

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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NXIVM CORPORATION, formerly known as
EXECUTIVE SUCCESS PROGRAMS, INC. And
FIRST PRINCIPLES, INC.,

No. 2:06-cv-01051
Plaintiffs, (DMC/MF)

vs.

MORRIS SUTTON, ROCHELLE SUTTON, THE
ROSS INSTITUTE, RICK ROSS a/k/a "RICKY"
ROSS, STEPHANIE FRANCO, PAUL MARTIN,
Ph.D., and WELLSRING RETREAT, INC.,

Defendants.

-----*
RICK ROSS,

Counterclaim-Plaintiff,

vs.

KEITH RANIERE, NANCY SALZMAN,
KRISTIN KEEFFE INTERFOR, INC.,
JUVAL AVIV, ANNA MOODY, JANE DOE
and JOHN DOES 1-10,
Counterclaim-Defendants.

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(Caption continued on following page)

CONFIDENTIAL

VIDEOTAPED DEPOSITION OF: KEITH A. RANIERE
(Volume I)

DATE TAKEN: WEDNESDAY, MARCH 11, 2009

COMPUTER-AIDED TRANSCRIPT PREPARED BY:
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ALSO PRESENT:

Nancy Salzman
Rick Ross
Karl Petry, Videographer

1 (Continued)
2 INTERFOR, INC., JUVAL AVIV, and
3 ANNA MOODY,

4 Cross-Claimants,

5 vs.

6 NXIVM CORPORATION, KEITH RANIERE,
7 NANCY SALZMAN and KRISTIN KEEFFE,
8 Cross-Claim Defendants.

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9 T R A N S C R I P T of the stenographic

10 notes of the proceedings in the above-entitled

11 matter, as taken by and before CHERYL McGANN, a

12 Certified Court Reporter and Certified Realtime

13 Reporter of the State of New Jersey, held

14 at the offices of DRINKER BIDDLE & REATH LLP,

15 500 Campus Drive, Florham Park, New Jersey, on

16 Wednesday, March 11, 2009, commencing at

17 10:24 a.m.

18 A P P E A R A N C E S :

19 TOMPkins McGUIRE WACHENFELD & BARRY LLP
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1 I N D E X

2 WITNESS DIRECT CROSS REDIRECT
3 KEITH ALAN RANIERE
4 By Mr. Kofman: 8

5 E X H I B I T S

6 Exhibit Description For Identification

7 Raniere-1 Document headed Biography on Keith
8 Raniere, Founder & Developer of
9 Rational Inquiry, Highly Confidential
Bates stamped P000004995-4996 6
Raniere-2 Affidavit of Keith Raniere signed
8/18/03 consisting of six pages 66

10 Raniere-3 United States Patent and Trademark
11 Office Documents Bates stamped
P00000209 through 231 93

12 Raniere-4 Document entitled Assignment Bates
13 stamped P000000689 97

14 Raniere-5 Three-page document entitled A Forensic
15 Psychiatrist Evaluates ESP 107

16 Raniere-6 Robert Jay Lifton's eight criteria
17 of thought reform as applied to the
18 Executive Success Programs Bates
19 stamped P000003648 through 3661 126
Raniere-7 Executive Success Programs, Inc.
Student Enrollment Application of
Stephanie Franco Bates stamped
P000004105 141

20 Raniere-8 A Critical Analysis of the Executive
21 Success Programs Inc., Bates stamped
22 P000003674 through 3682 146

23 Raniere-9 Document headed Persistence Bates
24 stamped SF00104 through 108 149

25 Raniere-10 Document headed Rules and Rituals
Bates stamped SF00033 through 40 152
(Exhibits attached.)

<p style="text-align: right;">Page 5</p> <p>1</p> <p>2 INFORMATION REQUESTED</p> <p>3 (Request.) Page 48</p> <p>4 (Request.) Page 101</p> <p>5 (Request.) Page 106</p> <p>6 (Request.) Page 113</p> <p>7 (Request.) Page 140</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 7</p> <p>1 witness, Keith Raniere.</p> <p>2 MR. McGUIRE: William McGuire, Tompkins</p> <p>3 McGuire Wachenfeld & Barry representing NXIVM, Nancy</p> <p>4 Salzman and Kristin Keeffe.</p> <p>5 MR. LEONARD: Okay. Before we begin, on</p> <p>6 behalf of Keith Raniere, we are taking the position</p> <p>7 that this entire deposition is confidential. It</p> <p>8 should be maintained that way for at least 30 days</p> <p>9 pending whatever application either we make or the</p> <p>10 portions that we may designate if it's less than the</p> <p>11 whole thing, so I assume that's in accordance with</p> <p>12 our order and practice and that there should be no</p> <p>13 problem.</p> <p>14 MR. KOFMAN: We have no objection.</p> <p>15 THE VIDEOGRAPHER: Please swear in the</p> <p>16 witness.</p> <p>17 MR. McGUIRE: Wait a minute.</p> <p>18 MR. LANDY: We don't object to having</p> <p>19 the transcript being held confidential for the next</p> <p>20 30 days in its entirety. However, we would request</p> <p>21 that by the end of that 30-day period counsel for</p> <p>22 the witness designate which portions of the</p> <p>23 transcript they intend to keep confidential for the</p> <p>24 entirety of the litigation. If you choose to</p> <p>25 designate the entirety, send a letter saying so.</p>
<p style="text-align: right;">Page 6</p> <p>1 (Document headed Biography on Keith</p> <p>2 Raniere, Founder & Developer of Rational Inquiry,</p> <p>3 Highly Confidential Bates stamped P000004995 was</p> <p>4 received and marked Defendant's Exhibit Raniere-1</p> <p>5 for Identification.)</p> <p>6 THE VIDEOGRAPHER: Today's date is March</p> <p>7 11, 2009, at the time indicated on the video screen.</p> <p>8 We're here in Florham Park, New Jersey, to take the</p> <p>9 deposition of Keith Raniere in the matter of NXIVM</p> <p>10 v. Sutton.</p> <p>11 At this time, will the attorneys please</p> <p>12 identify themselves and the clients they represent.</p> <p>13 MR. KOFMAN: Harold Kofman from Riker</p> <p>14 Danzig Scherer Hyland Perretti LLP and Anthony J.</p> <p>15 Sylvester from Riker Danzig Scherer Hyland Perretti</p> <p>16 LLP representing Morris Sutton, Rochelle Sutton and</p> <p>17 Stephanie Franco.</p> <p>18 MR. LANDY: Robert Landy from Friedman</p> <p>19 Kaplan Seiler & Adelman LLP on behalf of Interfor,</p> <p>20 Incorporated and Juval Aviv.</p> <p>21 MR. SKOLNIK: Peter Skolnik and Thomas</p> <p>22 Dolan of Lowenstein Sandler representing Rick Ross,</p> <p>23 The Ross Institute, Paul Martin and Wellspring.</p> <p>24 MR. CAMPION: Thomas Campion and Robert</p> <p>25 Leonard, Drinker Biddle & Reath, representing the</p>	<p style="text-align: right;">Page 8</p> <p>1 MR. LEONARD: That's fine.</p> <p>2 MR. SKOLNIK: I join in Mr. Landy's</p> <p>3 position that maintaining confidentiality for 30</p> <p>4 days is acceptable. At the end of 30 days, we'll</p> <p>5 expect that the portions of deposition that you</p> <p>6 intend to keep confidential are so designated; and</p> <p>7 we reserve our right to make any objections.</p> <p>8</p> <p>9 KEITH ALAN RANIERE, residing at</p> <p>10 3 Flintlock Lane, Clifton Park, New York 12065,</p> <p>11 is duly sworn and testifies on his oath as follows:</p> <p>12</p> <p>13 DIRECT EXAMINATION BY MR. KOFMAN:</p> <p>14 Q. Good morning, Mr. Raniere. My name is</p> <p>15 Harold Kofman. I'm representing Morris Sutton,</p> <p>16 Rochelle Sutton, and Stephanie Franco in the lawsuit</p> <p>17 that was initiated by NXIVM Corp. And First</p> <p>18 Principles, Inc.</p> <p>19 I'm going to be taking your deposition today.</p> <p>20 Have you ever had your deposition taken before?</p> <p>21 A. Yes.</p> <p>22 Q. On how many occasions?</p> <p>23 A. Two, I think.</p> <p>24 Q. And when did you have your deposition taken?</p> <p>25 A. The date?</p>

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1 Q. Approximately.

2 A. 1993. Maybe it was the spring -- I'm not
3 sure -- and I think later than that. I think it was
4 1995.

5 Q. Were those depositions in connection with
6 Consumers' Buyline?

7 A. Yes.

8 Q. I'm going to just run --

9 A. I'm sorry. There was a third deposition.

10 Q. When was that?

11 A. That was also -- I believe that was 1994.

12 Q. And was that also in connection with
13 Consumers' Buyline?

14 A. Yes.

15 Q. Mr. Raniere, I'm just going to run over a
16 few of the ground rules of the deposition since it's
17 been awhile since you've had your deposition taken.

18 I'm going to be asking you a series of
19 questions today. My questions and your answers are
20 being recorded by the court reporter sitting to my
21 right. In addition, there's a videographer who's
22 recording this deposition.

23 It's important that you wait till I finish
24 my question before answering. It makes a cleaner
25 record, and also that way I can be sure that you

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1 understand my question. If you don't understand my
2 question, please let me know, and I'll try and
3 rephrase it if I can.

4 You're being represented by counsel today.
5 If your counsel makes an objection, stop and wait
6 for your counsel to finish the objection. It's
7 important that you answer verbally, since the court
8 reporter can't take down shrugs and so forth.

9 Finally, if you need a break at any point
10 today, please let me know, and I'll be happy to take
11 a break at a convenient moment.

12 MR. LEONARD: Mr. Kofman, just for the
13 record, Mr. Rick Ross has joined the deposition; and
14 I would ask that his counsel advise him of the
15 confidentiality that we've previously discussed and
16 he's agreed to on his behalf.

17 MR. SKOLNIK: I will do so.

18 MR. LEONARD: Thank you.

19 BY MR. KOFMAN:

20 Q. Okay. Mr. Raniere, I'd like to show you a
21 document that we've marked as Raniere-1, and I've
22 got additional copies for counsel here.

23 MR. KOFMAN: For the record, this
24 document --

25 MR. SYLVESTER: Wait. Wait. Let me

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1 have those.

2 MR. KOFMAN: For the record, this
3 document is Bates stamped P000004995 and P000004996.
4 It's a document that was produced to my client in
5 discovery.

6 BY MR. KOFMAN:

7 Q. Sir, do you recognize this document?

8 A. Not directly, but documents of this similar
9 form.

10 Q. Okay, meaning -- and what is this document?

11 A. It looks like a biography of me.

12 Q. Do you know who prepared this biography?

13 A. No.

14 Q. Have you reviewed this or similar biographies
15 prepared by NXIVM?

16 A. I haven't reviewed this one. I have seen
17 similar biographies.

18 Q. Okay, and did you review similar biographies?

19 A. Yes.

20 Q. And did you review them to make sure they
21 were accurate?

22 A. Yes.

23 Q. Is there anything on this biography -- and
24 you can take the time to read it -- that is
25 inaccurate?

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1 A. Before finishing the document, there are a
2 number of things that if I were asked to approve
3 this I would not.

4 Q. Can you give me examples?

5 A. Problem-solving ability is better than 1 in
6 425 million, it would have to say "estimated";
7 things along those lines. Also, there are things of
8 -- I don't -- people write a number of different
9 things. I think factually this is true so far, but
10 I can say I probably did not review this one.

11 Q. Okay. How about the reference about halfway
12 down to you having total retention?

13 A. Uh-huh.

14 Q. Is that something that you would consider
15 accurate?

16 A. Yes, as far as what some someone who would
17 measure retention. Does that mean that I remember
18 everything? No. I go to the supermarket and forget
19 things like everyone else.

20 Q. Do you know what -- whether this document was
21 used by NXIVM?

22 A. No.

23 Q. Okay. Just out of curiosity, the symbols
24 that appear on the left-hand column, do you know
25 what they are?

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1 A. The Executive Success Programs, to the best
2 of my knowledge, yes.
3 Q. Okay.
4 A. My suspicion -- well, continue.
5 Q. Okay. That's all the questions I have right
6 now about that document.
7 Mr. Raniere, have you ever met Morris Sutton?
8 A. Yes.
9 Q. When did you meet Morris Sutton?
10 A. In the courtroom when we were all together.
11 Q. Would that have been sometime in 2007-2008?
12 A. Yeah.
13 Q. Did you ever meet him before that?
14 A. No.
15 Q. Have you ever spoken to him?
16 A. No.
17 Q. Have you ever met Rochelle Sutton?
18 A. No.
19 Q. Have you ever spoken to Rochelle Sutton?
20 A. No.
21 Q. Are you aware as you sit here today that
22 Nancy Salzman visited the home of Morris and
23 Rochelle Sutton at some point in time?
24 A. I believe that's true.
25 Q. When did you become aware of that?

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1 A. I think it was slightly after it happened.
2 It is my recollection she was invited to a party.
3 Should I -- 'cause Nancy is in the room, my tendency
4 would be to look to see if that's so, but that's
5 what my recollection is.
6 Q. Okay, and did Nancy Salzman tell you that she
7 had gone to the Sutton's home?
8 A. I don't recall.
9 Q. Did you know who invited her to the party?
10 A. No.
11 Q. Do you know what was discussed there?
12 A. I believe, amongst other social things,
13 enrolling some people in taking a course, although
14 I'm not positive of that. I have a recollection
15 that there actually was a course taught.
16 Q. Are you aware that at some point a course
17 was taught at the home of Aaron and Leslie Kassin?
18 A. I don't know where, but I do have a
19 recollection that there was a course taught, yes.
20 Q. Do you know what course was taught?
21 A. Not specifically.
22 Q. Did you attend the teaching of the course
23 down in New Jersey at the home of the Kassin's?
24 A. No.
25 Q. Are you familiar with Stephanie Franco?

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1 A. Yes.
2 Q. When did you first become familiar with
3 Ms. Franco?
4 A. I think I was told that she was attending an
5 Intensive. I'm not sure if it was before that point
6 that I had heard or actually while she was at the
7 Intensive.
8 Q. Okay. And who told that you she was
9 attending an Intensive?
10 A. I'm not sure.
11 Q. Was it Nancy Salzman?
12 A. I don't think so. My suspicion is it was
13 Michael Sutton.
14 Q. Okay, and is it your understanding that
15 Michael Sutton is the half-brother of Stephanie
16 Franco?
17 A. Yes.
18 Q. And am I correct that at the time Michael
19 Sutton was a student of Executive Success Programs?
20 A. To the best of my knowledge.
21 Q. Do you recall what Michael told you about
22 Stephanie Franco at the time?
23 A. I seem to remember that she had a therapy
24 practice, and she was either -- some sort of an
25 educator at Rutgers University.

Page 16

1 Q. And what did Michael tell you at the time
2 about Ms. Franco's therapy practice?
3 A. I'm not sure if it was Michael.
4 Q. It might have been somebody else?
5 A. Yeah, and I don't have any details other than
6 that she had a minor therapy practice which when
7 someone comes to the Intensive requires further
8 review.
9 Q. Okay. This is something that -- you were
10 told about her therapy practice either before or at
11 the time she attended the Intensive?
12 A. Yes.
13 Q. What -- you mentioned that when somebody has
14 a therapy practice, it requires further review.
15 What is the nature of the review that is required?
16 A. I'm not sure of all the details, but we want
17 to guard trade secrets and things that are important
18 and confidential so they want -- there is a review
19 so that there's no conflict of interests and no
20 future conflict of interests.
21 Q. Do you know who performs the review?
22 A. No.
23 Q. Do you know what the nature of the review
24 would be?
25 A. Not exactly, except for what I mentioned.

1 Q. Okay. Is it -- does the review involve a
2 discussion with the student?

3 A. I think sometimes.

4 Q. Do you know who does those discussions?

5 A. No. I think various people.

6 Q. Is that something that you're involved with?

7 A. No.

8 Q. Do you know whether a review was done in the
9 case of Stephanie Franco?

10 A. Yes.

11 Q. Do you know who did the review?

12 A. Not exactly. I know the results of the
13 review because I spoke to Stephanie Franco
14 afterwards.

15 Q. Okay, and when did you speak with Stephanie
16 Franco?

17 A. I think it was Day 5 of the Intensive. It
18 might have been Day 4.

19 Q. Did you attend the Intensive that she was
20 participating in?

21 A. Not directly. I may have given a
22 question-and-answer session, but I'm not positive.

23 Q. Okay. Do you recall if the year was 2001
24 that this Intensive took place?

25 A. I don't recall.

1 Q. Do you have a recollection as to --

2 A. I think it was --

3 Q. -- what year it was?

4 A. I think it was 2001.

5 Q. Do you remember the time of year?

6 A. I think it was spring.

7 Q. Okay. Now, you say you spoke to Stephanie on
8 the -- I think you said the fifth day of the
9 Intensive.

10 A. Fourth or fifth.

11 Q. Where did that discussion take place?

12 A. At the 455 New Karner Road Center.

13 Q. And is that a training center for Executive
14 Success Programs?

15 A. Yes, amongst other things, I think.

16 Q. Okay. Is it also the headquarters of NXIVM?

17 A. I think it might serve as that function in
18 part, but no. They have other meetings other than
19 trainings there.

20 Q. Okay. Who was present when you spoke to
21 Ms. Franco?

22 A. I think Nancy was present, although I'm not
23 positive. There may have been other people in the
24 room but not directly involved in the conversation.

25 Q. Okay. So the people you recall being

1 involved in the conversation were yourself,

2 Stephanie Franco, and possibly Nancy Salzman?

3 A. Correct.

4 Q. How long did the discussion -- how long did
5 the discussion take place?

6 A. I'm just guessing a relatively short time,
7 maybe a half hour.

8 Q. Was this during a break in the training
9 session?

10 A. Yes, I believe so.

11 Q. What was discussed?

12 A. Stephanie Franco wanted to apologize. She
13 expressed -- originally coming into the training she
14 was concerned about the nondisclosure agreement, the
15 long form; and my understanding is that NXIVM gave
16 her the ability to go and discuss it with an
17 attorney and take time with it -- I would not meet
18 with her until that form was signed -- which she did
19 and then apologized for the delay, but I had felt at
20 the time the delay is perfectly reasonable.

21 She was seemingly very excited about the
22 material and said that she wanted to go and become a
23 trainer with us. We also spoke of -- she said that
24 she was a seeker and wanted to find out the way, you
25 know, the human mind and all works to some degree

1 and found this an interesting supplement.

2 Q. Okay. At any time before the fifth day of
3 the Intensive when you spoke to Stephanie Franco,
4 were you aware of an issue involving the
5 confidentiality agreement and Stephanie Franco?

6 A. Could you repeat the beginning of that
7 question?

8 Q. Prior to meeting with Stephanie on the fifth
9 day of the Intensive, were you aware of any issue
10 that had arisen concerning her signing the
11 nondisclosure confidentiality agreement?

12 A. I believe it was before that point because
13 specifically I would not meet with her unless she
14 signed it, so I think it was somewhere around the
15 second day I heard that she had questions.

16 Q. From who did you hear that she had questions?

17 A. I'm not sure. I would suspect it was Nancy.

18 Q. Okay, and did you have any further
19 discussions between the second day and the fifth day
20 about Stephanie and the long form confidentiality
21 agreement?

22 A. No. It's my recollection that I was asked
23 what my opinion was in general with someone who
24 wants to consider something like that. I think
25 they should.

1 Q. Did you speak to -- when you spoke to
2 Stephanie on the fifth day, did you speak about her
3 thera -- to her about her therapy practice?

4 A. Not specifically. I believe she mentioned
5 her therapy practice, although I'm not positive that
6 she did. More that she was looking to help people,
7 and she felt that we had some interesting tools.

8 Q. During this discussion with Stephanie or
9 possibly during the question-and-answer session you
10 may have done, was there any discussion about your
11 view of paying taxes?

12 A. I don't know. That has come up a number of
13 times, but I don't remember if it was in that
14 discussion.

15 Q. What is -- what do you state about your view
16 of paying taxes?

17 A. I think people should consider paying taxes.
18 I think they should question if they believe in such
19 a system or not. I'm a believer in paying taxes,
20 but I don't believe in believing without question.

21 Q. Do you believe payment of taxes should be
22 compulsory?

23 A. I guess I don't -- I think it's ethical.

24 Q. I'm sorry. You believe it is ethical to
25 compel the payment of taxes?

1 A. No. I think it's ethical to pay taxes.

2 Q. Oh, okay. Did you discuss with Stephanie
3 either during this private discussion or during
4 question-and-answer your views on the institution of
5 marriage?

6 A. I don't believe so. I wouldn't.

7 Q. Okay. Other than this one conversation with
8 Stephanie Franco on the fifth day of the Intensive,
9 have you had any other discussions with Ms. Franco?

10 A. I'm not sure. I don't think so.

11 Q. Have you ever seen the -- strike that.

12 You said that it's your understanding that
13 Stephanie Franco had signed the long form
14 confidentiality agreement.

15 What's the basis for that understanding?

16 A. She told me so.

17 Q. What did she specifically say, if you recall?

18 A. "I apologize for taking so long to sign this
19 agreement. I felt I needed to consider it, and I
20 did, and I am very happy that I've signed it."

21 Also, I would not have met with her if she
22 didn't go through that portion of it.

23 Q. Have you ever seen the long form
24 confidentiality agreement that she signed?

25 A. No.

1 Q. Back in 2001, what was your role in NXIVM?

2 A. I'm the philosophical founder and the person
3 who answers the questions relating to -- the
4 ultimate questions relating to the education, the
5 philosophy. I also help solve problems within the
6 organization.

7 Q. Do you hold a title in the organization?

8 A. Yes.

9 Q. And what's the title?

10 A. Vanguard.

11 Q. Do you hold any other titles in the
12 organization?

13 A. No.

14 Q. Are you an officer in NXIVM?

15 A. No.

16 Q. Have you ever been an officer?

17 A. No.

18 Q. Okay. Were you employed by NXIVM in 2001?

19 A. No.

20 Q. Have you ever been employed by NXIVM?

21 A. No.

22 Q. How about First Principles? Have you ever
23 been employed by First Principles?

24 A. No.

25 Q. Was it common -- strike that.

1 Was it common for you to -- in 2001 to attend
2 in part Intensives?

3 A. At times.

4 Q. How frequently would you be consulted back in
5 2001 on issues of philosophy or questions that --
6 about NXIVM?

7 A. You know, I'm not sure at that point in time.
8 I suspect maybe once a month in a question-answer
9 type of forum or someone asking a direct question.

10 Q. What type of issues would be brought to your
11 attention about NXIVM?

12 You mentioned the issue about Stephanie and
13 the confidentiality agreement. What are some of the
14 other types of issues that were brought -- would be
15 brought to your attention by someone at NXIVM?

16 A. I'm trying to go back to that time period.

17 Normally they're questions of ethics,
18 things -- for example, NXIVM has a sales force. If
19 two salespeople have approached the same client,
20 what are the guidelines to try to handle that sort
21 of a thing or what guidelines would I suggest, that
22 sort of a thing.

23 Q. What are you -- who are the people who would
24 consult you about those things or who would at that
25 period of time?

1 A. Nancy, some of the people that I know
2 indirectly. I don't know the specific. I -- for
3 example, if I answered questions at an Intensive or
4 something like that or I walked into the building,
5 anyone that asked me questions I would answer them.

6 Q. Okay. How many hours a month were you
7 devoting to NXIVM during let's say 2001?

8 A. I don't know. I would estimate maybe 20.

9 Q. Twenty?

10 A. Yes.

11 Q. And was most of that attending these
12 question-and-answer things or answering issues that
13 came up?

14 A. Yes, I would say so.

15 Q. Has that involvement of 20 hours a month
16 changed since 2001?

17 A. Yeah. It's gone down.

18 Q. Okay. Was there ever a period during which
19 it increased?

20 A. No.

21 Q. What would you say -- what would you estimate
22 at -- in 2007 and 2008 how much time would you spend
23 on NXIVM-related issues?

24 A. 2007-2008?

25 Q. On a monthly basis.

1 A. I want to amend something I said. When you
2 say "NXIVM-related issues," can you be more
3 specific?

4 Q. Sure. Issues relating to the operation of
5 the Intensives --

6 A. Okay.

7 Q. -- or the operations of the Executive Success
8 Programs.

9 A. I don't know, maybe -- maybe that much or
10 less. I'm thinking more like 10 hours a week; not a
11 week. I mean a month.

12 Q. Sure. Do you -- in 2001, were you still
13 developing modules or programs for NXIVM to use?

14 A. Yes.

15 Q. And is that included in the 10 to 20 hours?

16 A. To some degree. I walk around thinking about
17 these things a lot, so that's part of why I feel I
18 can't adequately answer your question. I teach
19 voice lessons to people who are in NXIVM, piano,
20 various activities like that which I don't count in
21 there.

22 Q. Okay. Do you still -- in 2007, 2008, were
23 you still involved in developing course material?

24 A. Yes.

25 Q. And that's something you're presently

1 involved with --

2 A. Yes.

3 Q. -- as well?

4 A. Yes.

5 Q. And how much time would you say you spend on
6 a monthly basis developing course material?

7 A. I walk around thinking about it a lot, but
8 the actual formal time?

9 Q. Uh-huh.

10 A. If we put out, say, one Intensive a year, and
11 let's say an Intensive is 80 hours, probably 40
12 hours a year devoted to that.

13 Q. When you say, "We put out one Intensive,"
14 what do you mean by that?

15 A. In other words, I'm looking over the past
16 few years; and I'm thinking of the curriculum that
17 has been created, and I estimate we've in the past
18 few years introduced one Intensive a year.

19 Q. That would be one new set of course --
20 courses?

21 A. The particular ones that have been in the
22 past few years have been eight-day seminars.

23 Q. Okay.

24 A. There have been a few occasions where there
25 have been modules, single two-hour. We offer all of

1 our curriculum, per se, in two-hour blocks. I don't
2 think there has been one of those in the past year.

3 Q. Mr. Ranieri, do you know why you were
4 consulted about the issue involving Stephanie Franco
5 and the long form confidentiality agreement?

6 MR. McGUIRE: Object to the form.

7 Q. Did whoever told you about the issue tell
8 you why they were bringing this to your attention?

9 A. No.

10 Q. Do you have any understanding as to why you
11 were called upon to give advice?

12 MR. McGUIRE: Same objection.

13 Q. You may answer if you can.

14 A. Okay. Often when there are ethics questions,
15 they're brought to me for an opinion.

16 Q. Would you also handle questions about
17 procedure, what procedure NXIVM should follow?

18 A. If there was an ethics question involved, I
19 might.

20 Q. Wouldn't -- would you consider this to have
21 been an ethics question?

22 A. Stephanie Franco and the -- yes.

23 Q. And why would you consider this an ethics
24 question?

25 A. Because if NXIVM has a rule that all people

1 must sign the long form on the first day, but yet
2 there's a reasonable, seemingly reasonable reason
3 why someone would not want to do that, any time you
4 question breaking a rule you have to consult the
5 ethic of the rule to get the spirit, the intent of
6 the rule.

7 Q. And that's something that you would be most
8 familiar with in NXIVM?

9 A. Well, I think I add good opinion.

10 Q. Okay. Do you know -- you mentioned that a
11 review would have been done because Stephanie took
12 -- indicated that she had a small therapy practice.

13 Do you know what the results of the review
14 were?

15 A. No. I -- I do know that she was allowed to
16 take the Intensive, so whatever you would call;
17 favorable or nonconflicting, I guess, because if it
18 was a conflict of interest, she would not have been
19 allowed to take the Intensive.

20 Q. In 2001 were you told or made aware that
21 Stephanie had taken classes with Taibbi Kahler
22 Associates?

23 A. No.

24 Q. Are you familiar with Taibbi Kahler
25 Associates?

1 A. Somewhat now.

2 Q. Were you familiar back in 2001?

3 A. No.

4 Q. Do you know what course material Stephanie
5 was provided at NXIVM?

6 A. Not specifically.

7 Q. Has anyone ever told you what she was
8 provided?

9 A. I've seen lists; and I know that she was a
10 coach, which means there is certain course materials
11 she was exposed to. I also know that she was
12 selected to be in a facilitator training, which I
13 did also see a document that referenced.

14 Q. You stated that she was a coach. Is it your
15 understanding that Stephanie Franco was a coach at
16 NXIVM?

17 A. Yes.

18 Q. What are the re -- what were the requirements
19 in 2001 for becoming a coach at NXIVM?

20 A. I don't remember exactly; but they have to
21 express a willingness to want to coach people,
22 mentor people, learn the curriculum. I don't know
23 how that procedure was handled.

24 Q. Who is the person at NXIVM who has an
25 understanding as to how people become coaches or in

1 2001 how they became coaches?

2 A. I don't know.

3 Q. Would that be Nancy Salzman's responsibility
4 for overseeing the making of coaches?

5 A. Well, I think she could find that out. I
6 don't -- she is not the person who would directly do
7 that I don't believe.

8 Q. But that's not something you were involved
9 with in 2001?

10 A. Correct.

11 Q. Who told you that or how did you come to
12 learn that Stephanie Franco was a coach?

13 A. 'Cause I heard that she was going to Mexico
14 to coach an Intensive. I also heard I believe that
15 she didn't show up, and I don't know what -- there
16 was some concern that I recall. I don't know if
17 they were relying on her, didn't get off the plane,
18 or I don't know what the details are.

19 Q. Who told you that Nancy -- that -- I'm sorry
20 -- that Stephanie had become a coach?

21 A. I don't remember.

22 Q. Who told you that she was going to Mexico?

23 A. I don't remember.

24 Q. Okay. Who told you that she didn't show up
25 in Mexico?

1 A. I assume it's probably the same person. I
2 don't remember.

3 Q. Okay. Have you ever seen any documents that
4 indicate that Stephanie was a coach at NXIVM?

5 A. I've seen that she had coach notes and
6 facilitator notes; and by reason of the fact that
7 in order to get those one must be a coach, I assume
8 she is. I've also heard that there was a video
9 segment of her coach promotion in this legal
10 proceeding.

11 Q. Have you seen that video?

12 A. No.

13 Q. When did you learn that Stephanie had left
14 NXIVM?

15 A. I think it must have been shortly after she
16 didn't show up to Mexico.

17 Q. Do you remem -- was that 2001?

18 A. If that's when she took her In -- her first
19 Intensive that year, in that spring, I think I
20 recall that it was that fall.

21 Q. Okay. Do you know on how many -- how many
22 Intensives Stephanie participated in?

23 A. I think at least two.

24 Q. Okay. Do you know whether she completed the
25 second Intensive that she took?

1 A. No.
2 Q. Would someone be made a coach if they hadn't
3 completed a second Intensive in 2001?
4 A. I don't know.
5 Q. Did you have any responsibility for designing
6 -- for creating the procedure or the requirements
7 for making of coaches?
8 A. Initially.
9 Q. When was that?
10 A. 1997, I think.
11 Q. How about in 2001?
12 A. No. It evolved from there, and I don't know.
13 Q. Do you know if there were any changes -- so
14 there were changes in the procedure for making
15 coaches between 1997 and 2001?
16 A. I believe so.
17 Q. Do you know what they are?
18 A. No.
19 Q. Other than being told that Stephanie hadn't
20 shown up in Mexico, did you have any other
21 discussions about her ending her relationship with
22 NXIVM?
23 A. I think after that point at one point Michael
24 mentioned that she was discontent. I think that is
25 so.

1 Q. Did he mention that to you?
2 A. Yes.
3 Q. Do you remember when that --
4 A. I think that was so.
5 Q. Sorry to interrupt you.
6 Do you remember when that conversation took
7 place with Michael?
8 A. No.
9 Q. How much -- how long after the fall of 2001
10 did that take place?
11 A. I'm not really sure. I would imagine it
12 would be in the fall of 2001. What I imagine would
13 have gone on is I would have heard that Stephanie
14 did not go to the Intensive, did not show up. I
15 have an image of Michael saying she was discontent
16 in my mind. That's why I think I had that
17 conversation.
18 I probably would follow up to find out what
19 happened with Stephanie. And because Michael is her
20 half-brother, I might have asked him.
21 Q. Where did this conversation with Michael take
22 place?
23 A. I don't know.
24 Q. Was it at 455 Karner Road?
25 A. I don't know.

1 Q. Do you know why Michael brought this to your
2 attention?
3 A. I might have brought it to his attention
4 because she didn't show up at the Intensive,
5 although I'm not sure. Michael and I are friends.
6 Q. Okay, and were friends in 2001?
7 A. Yes.
8 Q. Okay. Did Michael explain to you why
9 Stephanie was discontent?
10 A. No. I -- I can try to reconstruct, but I
11 don't think he gave me much detail. I think Michael
12 speaks very honorably; and I think he would just
13 say, well, she didn't -- it didn't work out. It's
14 something she didn't want to do.
15 Q. When he said she was discontent or didn't
16 want to do it, did you ask why?
17 A. I probably wouldn't. I don't remember.
18 Q. Okay. How long have you known Michael
19 Sutton?
20 A. Since probably about 2001.
21 Q. Okay, and have you been friends with him
22 continuously since that time?
23 A. Yes.
24 Q. How did you become friendly with Michael
25 Sutton?

1 A. I don't remember exactly. He has an interest
2 in technology. He has an interest in business and
3 business ventures, so that's what we speak about.
4 Q. How often do you talk to Michael Sutton?
5 A. Now, once or twice a year maybe.
6 Q. Was there ever a time when Michael Sutton
7 moved up to the -- from -- strike that.
8 Were you aware that when Michael started
9 taking the classes he would have been in the New
10 York City area?
11 A. I was aware he lived downstate.
12 Q. Was there ever a time that he moved up to the
13 Albany area?
14 A. Yes.
15 Q. And do you know when that was?
16 A. No.
17 Q. Did you ever talk to him about his reasons
18 for moving up to the Albany area?
19 A. No.
20 Q. After your discussion with Michael in the
21 fall of 2001, when's the next time you had a
22 discussion with him about Stephanie Franco?
23 A. I don't really remember.
24 Q. Did you have any other discussions with him
25 about Stephanie Franco?

1 A. I think over the years because of this
2 litigation there have been mention. I recall -- I
3 don't know if it was with him and someone else or
4 with someone else. It came to NXIVM either before
5 the litigation or during the litigation; and because
6 the litigation affected his father, the question was
7 should he be consulted. What are the ethics around
8 that, so it was my belief that he should be asked
9 certainly in the least his opinion on going forward
10 with such a lawsuit.

11 Q. And so at some -- if I understand you
12 correctly, at some point in time, the issue was
13 raised as to whether or not Michael should be
14 consulted about a lawsuit being brought against his
15 father?

16 A. Yes.

17 Q. Who brought that to your attention?

18 A. I don't remember.

19 Q. And your response was he should be consulted?

20 A. Uh-huh.

21 Q. And what was Mich -- I'm sorry. You have to
22 answer verbally.

23 A. Oh, yes.

24 Q. And what was Michael -- were you present when
25 that discussion took place with Michael?

1 A. No.

2 Q. Do you know what Michael's response was?

3 A. My understanding is that he believed that the
4 lawsuit should go forward.

5 Q. I represent to you that the lawsuit was
6 initially brought in August of 2003.

7 Were you consulted about bringing the
8 lawsuit?

9 A. I believe so, yes.

10 Q. By whom? And I don't want conversations with
11 attorneys.

12 A. Then I don't -- I think it might have been.

13 MR. CAMPION: Okay, that's it then.

14 Q. You can tell me who the -- who did you have
15 the conversation with?

16 MR. CAMPION: You may tell him who.

17 A. Arlen Olsen.

18 Q. And did he represent you individually?

19 A. Yes.

20 Q. And did you discuss with anyone else the
21 bringing of the lawsuit?

22 A. I think after that point, yes.

23 Q. Did -- before it was filed, did you discuss
24 with anyone besides Arlen Olsen the desirability of
25 bringing a lawsuit?

1 A. Yeah. I'm sure that was -- that I was asked
2 my opinion on that.

3 Q. Who was present when that conversation took
4 place?

5 A. I don't remember.

6 Q. Did you have a retainer agreement with
7 Arlen Olsen at that time?

8 MR. CAMPION: I think that's privileged.

9 MR. KOFMAN: I disagree.

10 BY MR. KOFMAN:

11 Q. Was he representing you in connection with
12 this lawsuit or this dispute?

13 A. I'm not a party. I was not a party to this
14 lawsuit or dispute, as far as I know.

15 Q. Was he discussing with you as a
16 representative -- was he discussing the issue with
17 you as a representative of NXIVM?

18 MR. CAMPION: Read the question again.

19 (The following was read back by the
20 reporter:

21 "Was he discussing with you as a
22 representative -- was he discussing the issue with
23 you as a representative of NXIVM?")

24 MR. CAMPION: I think that goes to the
25 business of privilege.

1 MR. KOFMAN: I don't believe that the
2 existence of a retainer agreement is subject to
3 privilege. I think I'm entitled to know whether
4 Arlen was representing Keith Raniere or NXIVM at the
5 time, since there appears to be a distinction.

6 MR. CAMPION: Why don't you and I
7 discuss this point at a break, okay.

8 MR. KOFMAN: We can agree to discuss
9 this at a break.

10 BY MR. KOFMAN:

11 Q. Mr. Raniere, when did you -- did there come a
12 point in time where you learned that Rick Ross had
13 been hired in connection with Michael Sutton?

14 A. Yes.

15 Q. When did you first learn that?

16 A. I believe it is my recollection that Michael
17 was to meet with Rick Ross in Florida. I believe
18 before that point, Michael had a conversation with
19 me. I recall him saying, "My family wants me to
20 talk with this guy about NXIVM," and he described a
21 little bit relating to the -- what Rick Ross does
22 and said to me, "What do you think?"

23 Q. Were you familiar with Rick Ross at that
24 time?

25 A. No.

1 Q. Did you do any research about him at that
2 time?

3 A. No.

4 Q. What did you tell Michael?

5 A. "Sure."

6 Q. So you advised Michael that he should meet
7 with Rick Ross?

8 A. Yeah. I think people should meet with anyone
9 they want to.

10 Q. Did you ask anybody at NXIVM to -- to check
11 out who Rick Ross was?

12 A. No.

13 Q. What was the next con -- or next discussion
14 you had with Michael about Rick Ross?

15 A. Michael had mentioned to me -- and this must
16 have been after they had their meeting/meetings --
17 that Rick Ross had said to him that if I was in the
18 Guinness Book of World Records, he would take the
19 16-day Intensive; and then when it turned out that
20 indeed I was, Rick Ross denied that that was ever
21 said allegedly.

22 Q. By the way, have you ever spoken to
23 Rick Ross?

24 A. No.

25 Q. Would you have allowed Rick Ross to take the

1 16-day Intensive?

2 A. Potentially. We wanted the Forbes reporter
3 to take the 16-day Intensive.

4 Q. Would Rick Ross have had to sign any
5 documents before taking the 16-day Intensive?

6 A. Yes.

7 Q. Such as?

8 A. What every other student signs.

9 Q. Other than conversations with Michael about
10 Rick Ross, did you have -- strike that.

11 Do you remember any other conversations that
12 you had with Michael about Rick Ross?

13 A. I only remember a comment. I don't know if
14 it was a separate conversation. Michael thought
15 Rick Ross was a nice guy.

16 Q. Do you remember having any discussions with
17 anybody else about the fact that Rick Ross was
18 meeting with Michael?

19 A. No.

20 Q. Did you ever have any discussions with
21 Aaron Kassin about Rick Ross?

22 A. Yes.

23 Q. When did that take place?

24 A. Aaron Kassin came up to Albany -- I think it
25 was to sign an Affidavit -- and he just affirmed

1 that he believed in what he was doing.

2 Q. Were you present when he signed his
3 Affidavit?

4 A. No, I don't think so.

5 Q. Did you meet with him before he signed the
6 Affidavit?

7 A. No, I think it was in passing.

8 Q. I'm sorry. It was in passing you met with
9 him?

10 A. I think I was either at 455 New Karner Road
11 or somewhere like that and ran into him.

12 Q. And what was said?

13 A. I don't remember. It was casual.

14 Q. Was -- have you had any other conversations
15 with Aaron Kassin about Rick Ross?

16 A. I believe so. I have a recollection of him
17 saying that Rick Ross wanted our confidential
18 materials. It is difficult for me to ascertain if
19 that was a true conversation because I've also read
20 that in the papers.

21 Q. So at this point, you don't have any
22 independent recollection of the conversation?

23 A. No.

24 Q. Mr. Raniere, did you -- are you aware as you
25 sit here today that Michael Sutton tape recorded a

1 telephone conversation he had with Stephanie Franco?

2 A. Yes.

3 Q. How did you become aware of that?

4 A. I think I had heard that there was a question
5 of how the materials came to Rick Ross and that
6 there's one rendition of it, one whatever it is,
7 recitation of it where the materials went from
8 Stephanie to her brother or half -- I'm not sure if
9 it's brother or half-brother, and that brother gave
10 the materials to Rick Ross.

11 There's another rendition that Stephanie most
12 directly either gave it immediately through her
13 brother or to Rick Ross, and I think that tape
14 recording says that Rick Ross -- that she intended
15 to give the materials to Rick Ross.

16 Q. Have you ever heard the tape recording?

17 A. No.

18 Q. Have you ever read a transcript of the tape
19 recording?

20 A. No.

21 Q. What's your basis -- what's your -- what's
22 the basis of your understanding of the tape
23 recording?

24 A. I believe Michael might have mentioned it
25 in conversations, and I believe Kristin might have

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1 mentioned it; Kristin Keeffe.

2 Q. Did you -- were you aware before the tape
3 recording -- strike that.

4 Did you have a conversation with Michael
5 Sutton about the subject of his tape recording a
6 conversation with his sister?

7 A. Not that I recollect.

8 Q. Did Michael Sutton ask for your advice as to
9 whether or not he should tape record a conversation
10 with his sister?

11 A. I don't know. It's --

12 MR. SYLVESTER: Pardon me?

13 A. It's possible. That's something that he --
14 someone would bring to ask me.

15 Q. And do you recall what you said to him about
16 that?

17 A. I don't recall the conversation.

18 Q. As you sit here today, what would your
19 recommendation have been?

20 A. I think it depends on what the subject matter
21 of the conversation is. Do I believe in the taping
22 of phone calls? I think in states where it is legal
23 that is an option, depending on how a person feels
24 about the situation. So I would, one, suggest that
25 he find out if it's legal; and, two, I would suggest

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1 that he look at why he wants to do that and if he
2 wanted it to be concealed -- and I assume this tape
3 was concealed, that Stephanie did not know about it
4 or she claims that she did not know about it.

5 Q. I can't answer your question, sir.

6 A. Okay. I would suggest that he consider all
7 of those factors.

8 Q. Would you consider the taping of a
9 conversation or the concealed taping of a
10 conversation with a relative to be an ethical act?

11 A. It depends on the context.

12 Q. In this context.

13 A. I don't know enough about the context to make
14 that assessment.

15 Q. Okay. Did you ever see the tape that was
16 made?

17 A. I don't think so.

18 Q. Do you know what was done with the tape --
19 what Michael did with the tape that he made?

20 A. Well, my understanding is that one of the
21 NXIVM attorneys named Kevin Luibrand had a copy of
22 the tape.

23 Q. And what's the basis for that understanding?

24 A. I think Kevin Luibrand had said something
25 about it at one point. I also heard that I think it

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1 was Kristin, that the subject of this tape -- this
2 tape is either lost or -- well, it sounds like this
3 tape is lost but that there's a transcript that
4 Kevin Luibrand had or something like that in his
5 files, and I heard something about that.

6 Q. Kevin Luibrand -- Luibrand told you that he
7 had a copy of the tape?

8 A. I'm not sure.

9 MR. KOFMAN: We can take just a couple
10 minute break.

11 MR. CAMPION: Sure.

12 (At this point, there was a short
13 recess.)

14 THE VIDEOGRAPHER: This is the beginning
15 of Tape Number 2. The time is 11:35.

16 BY MR. KOFMAN:

17 Q. Okay. Mr. Raniere, before we took a break I
18 had asked you a couple of questions about Arlen
19 Olsen.

20 When you spoke with Mr. Olsen, were you
21 seeking legal advice from him?

22 A. I don't believe I was seeking legal advice.

23 Q. Did he provide you with legal advice?

24 A. I believe you'd call it that.

25 Q. And was that for you on an individual basis?

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1 A. I would -- I would interpret it that way.

2 Q. Okay. Did you have a written retainer
3 agreement with Mr. Olsen?

4 A. I'm not sure.

5 MR. KOFMAN: Okay. I'd like to make a
6 document request -- and I can follow up with a
7 letter -- for a copy of the written retainer
8 agreement between Mr. Raniere and Arlen Olsen.

9 MR. CAMPION: If there is one.

10 MR. KOFMAN: Okay.

11 (Request.)

12 BY MR. KOFMAN:

13 Q. Mr. Raniere, did you meet with counsel
14 prior to today's deposition to prepare for your
15 deposition?

16 A. Yes.

17 Q. And was that with Mr. Campion and
18 Mr. Leonard?

19 A. Yes.

20 Q. Was there anyone else present?

21 A. Yes.

22 Q. And who was that?

23 A. Nancy was present at one of the meetings,
24 although I'm not sure if you'd call that deposition
25 prep. They came up to meet me.

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1 Q. Do you have -- we were talking a little bit
2 about Michael Sutton and your relationship with him.
3 You mentioned that you were friends.

4 A. I'm sorry. Nancy was also there, yes, the
5 other meeting, just to be clear.

6 Q. Okay. Did you see him on -- do you see him
7 or have you seen him in the past on a social basis?

8 A. Michael Sutton?

9 Q. Yes.

10 A. Yes.

11 Q. Do you have any business relationship with
12 Michael Sutton?

13 A. No.

14 Q. During the --

15 A. Not that I know of.

16 Q. During the 2002-2003-2004 time period, how
17 frequently would you see Michael Sutton?

18 A. I don't know, once a month maybe.

19 Q. And would that -- in what context? Would
20 that be social visits or something related to NXIVM?

21 A. Volleyball. He would come to volleyball at
22 times.

23 Q. Okay, and you would have discussions with him
24 at that time?

25 A. Yeah.

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1 Q. And would NXIVM and this lawsuit be one of
2 the things that was discussed?

3 A. I imagine it would be mentioned at times, but
4 that was not a major topic of discussion.

5 Q. Are you aware that Michael Sutton has paid
6 some portion of NXIVM's legal fees in this matter?

7 A. No, I'm not specifically aware of that.

8 Q. Did you have any discussions with him about
9 payment of legal fees?

10 A. Legal fees, no.

11 Q. Has Michael Sutton given any gifts to you?

12 A. No. He's loaned money but not a -- not a
13 gift, as far as I know.

14 Q. He's loaned money to you personally?

15 A. No, it wasn't to me. I believe it was to
16 NXIVM but it was -- I was doing some patent work,
17 so to speak, or things that we were thinking of
18 patenting which I ended up not relating to
19 commodities market, stock market, things like that.

20 Q. Okay. Do you remember how much he loaned to
21 NXIVM?

22 A. No.

23 Q. Did you sign any loan documents --

24 A. I don't --

25 Q. -- with Michael?

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1 A. I don't know if it was NXIVM. I think it was
2 First Principles, but I'm not positive.

3 Q. Okay. Do you know if he's given any gifts to
4 NXIVM or First Principles?

5 A. I don't know if it's a gift, no. I don't
6 know.

7 Q. When you say you don't know that it's a gift,
8 are you referring to the loan or --

9 A. Right.

10 Q. Okay. Do you know if he's given any gifts to
11 Nancy Salzman?

12 A. No, I don't know.

13 THE VIDEOGRAPHER: Somebody turn off
14 their BlackBerries. It's coming through very
15 strong. Thank you.

16 (A discussion was held off the record.)

17 BY MR. KOFMAN:

18 Q. When was the last time you spoke to Michael
19 Sutton about this case?

20 A. About this case? I think it was mentioned
21 during Vanguard Week this year.

22 Q. What is "Vanguard Week"?

23 A. It's a corporate retreat where people from
24 all over the world, the different areas where we
25 teach education can come and be friends -- have, you

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1 know, common interests.

2 Q. And does that coincide with your birthday?

3 A. Yes.

4 Q. When was the -- at that -- at Vanguard Week
5 when you spoke to Michael, did you discuss the case?

6 A. I think it literally went, "How's it going?"

7 "Okay, as far as I know."

8 There were other issues that he was
9 discussing.

10 Q. Do you remember what those were?

11 A. Yes.

12 Q. What were they?

13 A. There are other business ventures that he and
14 another person are involved in. There is science
15 that he is keenly interested in, and he has
16 representations from some scientists relating to
17 some technology; and he wanted my opinion on not
18 only how to evaluate the science but create tests so
19 that he could evaluate the science of these things.

20 Q. Without getting into details that I won't
21 understand, what's the nature of the science that
22 he's developing?

23 A. I told him that I won't speak to anyone of
24 this.

25 Do you want me to -- I mean, I can try to

1 give you a general thing without violating a
2 confidence with him.

3 Q. If you -- if you could.

4 A. Um, there -- there is products that have
5 been brought to him that claims have been made.
6 His question is how can he verify that the products
7 can do the things that are claimed, so I gave him
8 some principles as to how to create double-blind
9 testing type of procedures and gave him some
10 understanding of the sorts of things that can go
11 wrong with these.

12 Q. Who is the person -- do you know the name
13 of the person with whom he's looking to go into
14 business?

15 A. Yes.

16 Q. And what is the person's name?

17 A. I also have a confidence. I -- I told him I
18 would not speak to anyone about these things.

19 Q. Is the person a NXIVM student?

20 A. Can you define what you mean by "NXIVM
21 student"?

22 Q. Is it someone who has taken NXIVM courses in
23 the past?

24 A. Yes.

25 Q. Is it someone who presently or who is a

1 member of NXIVM?

2 A. How do you define that?

3 Q. Is it somebody who presently takes courses
4 from NXIVM?

5 A. Can I say something that's important?

6 Q. Sure.

7 A. There is a person who took a NXIVM course
8 eight years ago. They come to volleyball now and
9 then. They're a friend. Are they part of NXIVM? I
10 mean, that's -- that's -- this is a person that has
11 taken NXIVM courses, has not taken NXIVM courses in
12 a long time, is a friend of mine.

13 Q. Does the person hold a rank in NXIVM?

14 A. Yes.

15 Q. What's the rank?

16 A. They're a proctor.

17 Q. Have they had any proctor duties in eight
18 years?

19 A. I don't know in eight years, but it's been a
20 number of years.

21 Q. Okay. I'm going to have to ask for the name
22 of -- and, again, the deposition transcript is
23 confidential and will be marked as confident --

24 A. Uh-huh.

25 Q. -- confidential, so can you tell me the name

1 of the individual?

2 A. The student?

3 Q. Yes.

4 A. I'm trying to think of his full -- I call him
5 "Maximus." I'm trying to think.

6 Do you mind if I ask Nancy what his full name
7 is?

8 MR. KOFMAN: Yeah. Go ahead.

9 THE WITNESS: Nancy, what's Maximus'
10 full name?

11 MS. SALZMAN: Sarzen.

12 THE WITNESS: Sarzen. Thank you. I was
13 going to call him Serzen.

14 BY MR. KOFMAN:

15 Q. Okay. Mr. Raniere, did it come to your
16 attention at some point that Rick Ross had posted
17 articles by John Hochman and Paul Martin on his
18 websites?

19 A. Yes.

20 Q. When did that come to your attention?

21 A. I think it was sometime shortly thereafter,
22 yes.

23 Q. I'm sorry. When you say "shortly
24 thereafter" --

25 A. I think within a month of when they were

1 posted.

2 Q. And do you remember what year that was?

3 A. It was 2003, I think.

4 Q. Okay. How did it come to your -- how did you
5 learn that articles had been posted?

6 A. Someone told me.

7 Q. Do you remember who it was?

8 A. I don't because I think there were several
9 people that told me.

10 Q. Do you remember any of the people who told
11 you that the articles had been posted?

12 A. I think Kristin told me, I think -- I don't
13 know if Nancy told me, but I'm pretty sure Kristin
14 told me.

15 Q. At any point before the articles were posted,
16 had you done any investigation into who Rick Ross
17 was?

18 A. I believe Michael -- well, Michael had told
19 me previous to his deprogramming or meeting or
20 whatever you call it that Rick Ross was a -- I
21 believe a deprogrammer or someone like that.

22 I don't know if it was before the website
23 went up that I heard more information relating to
24 Rick Ross, but it was somewhere thereabouts.

25 I also recall -- I recall hearing that there

1 might -- he might publish something about us, and I
2 went I believe on his website and looked and did not
3 find ES -- it was Executive Success Programs, ESP or
4 my name at that period.

5 Q. Do you remember when that was?

6 A. It must have been before whenever the date
7 was that the site went up.

8 Q. Did you ever have any discussions with
9 Michael Sutton about the possibility of retaining
10 an independent expert to evaluate NXIVM?

11 A. I think I had suggested that that would be a
12 good thing and that I thought it was a good thing.

13 Q. When did you suggest that? This was before
14 he met -- I'm sorry.

15 Did you suggest that before he met with Rick
16 Ross?

17 A. I don't think so. No, I think this was
18 later.

19 Q. Do you remember roughly what year?

20 A. I imagine it was probably a year after the
21 website went off or somewhere -- up or somewhere in
22 that.

23 Q. So was it a year after the website went up?

24 A. You know, I'm not really sure. The
25 website -- the lawsuit poses interesting problems,

1 ethical issues relating to that so...

2 Q. At approximately the time Michael told you he
3 was meeting with Rick Ross, did you have any
4 discussions with him about retaining an expert to
5 evaluate NXIVM?

6 A. All right. I -- I do remember speaking to
7 Michael Sutton -- it might have been right after the
8 intervention or I'm not sure of the timing -- asking
9 who Rick Ross suggested would be people who could
10 give other opinions, second opinions.

11 Q. Okay, and what did Michael say?

12 A. I think he said he would ask.

13 Q. Did you ever hear anything further about the
14 names of people who might evaluate NXIVM?

15 A. I remem -- I don't know the names, but I
16 remember that I believe Michael was given a number
17 of names.

18 Q. Did you check on any of the names?

19 A. No.

20 Q. Were you familiar with any of the names?

21 A. I wouldn't be.

22 Q. Do you know if anyone from NXIVM checked on
23 any of the names?

24 A. No, I don't know.

25 Q. What happened? Do you know if Michael

1 approved any of the names?

2 A. Approved for what?

3 Q. Did Michael -- strike that.

4 Did NXIVM indicate that it would be
5 comfortable having any of the people named by
6 Ross evaluate the program?

7 A. I don't -- I don't think it was either way.

8 I don't know. I don't remember.

9 Q. What happened -- did anything happen after
10 Michael gave NXIVM the list of names that he had
11 gotten from Ross?

12 A. I don't know. I don't know what happened.

13 Q. You mentioned that there were ethical issues
14 or problems relating to the website after the
15 litigation was filed. Can you elaborate?

16 A. Yes. The question is if Ross is malintended
17 or not. If Ross is malintended, then there are
18 certain procedures or -- I shouldn't say
19 procedures -- strategies that are best used. If
20 someone is not -- if a person is not malintended,
21 then there are a different set of strategies.

22 The malintended person is not a seeker of
23 truth. The malintender seeks to destroy. So if you
24 give someone with bad intent information, they're
25 not looking to take that information and see what's

1 true. They're looking to hurt you. The difference
2 between a skeptic and a cynic I -- I say, you know,
3 a skeptic is someone who looks to turn magic into
4 science. A cynic is someone who looks to turn good
5 to bad.

6 So if you hope to go into any sort of a
7 dialogue with someone who is malintended, it best
8 suits you not to give information. If someone's not
9 malintended, then it suits you to give information.

10 Q. Were these considerations that you had before
11 or after the filing of the lawsuit?

12 A. These are considerations in general in any
13 sort of a human interaction like that.

14 Q. Is this something you thought -- you
15 considered with respect to Ross before the lawsuit
16 was filed?

17 A. I'm not sure.

18 Q. Did you --

19 A. I mean --

20 Q. Have you come to the conclusion that Ross is
21 malintended?

22 A. Not specifically.

23 Q. Okay. Have you come to any conclusion about
24 Morris and Rochelle Sutton, as to whether they're
25 malintended?

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1 A. No, not specifically. I don't know in both
2 cases.

3 Q. Okay. Have you had any consideration of --

4 A. I'm sorry. I said in all three, 'cause
5 he mentioned three people, but I took them as two
6 parties.

7 Q. Has there been any consideration by you of
8 allowing Ross to have someone evaluate the course
9 now?

10 A. It's always a consideration.

11 Q. Have you discussed this with anyone not --
12 not your attorneys, but anyone within NXIVM?

13 A. I think that's always an option. That's
14 always -- if people ask my opinion on things, that
15 is so. If they believe that Ross is malintended, it
16 would be a bad idea.

17 Q. Have you discussed with Nancy Salzman whether
18 she thinks he's malintended?

19 A. No.

20 Q. Okay. You said at some point you learned
21 about the Hochman and Martin articles. You were
22 told that by perhaps several people.

23 What did you do after you were told about the
24 Hochman and Martin articles?

25 A. I read them.

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1 Q. Did you get them from the website?

2 A. I think I did. I'm not positive.

3 Q. Do you remember -- do you own a computer?

4 A. Yes.

5 Q. Is this a computer at NXIVM's offices, or is
6 it at your home?

7 A. No. It's at home.

8 Q. Okay. Did you print out the articles?

9 A. At some point, I did; not when I initially
10 read them. I later printed them out over the years.

11 Q. Have you -- did you make any notes on the
12 articles?

13 A. I have made notes, yeah.

14 Q. Have you -- do you remember when you made
15 notes?

16 A. Not specifically. There were a few
17 occasions.

18 Q. Was it before or after the filing of the
19 lawsuit?

20 A. I believe it was after.

21 Q. Have you retained those notes?

22 A. I -- I assume that they are somewhere. Most
23 of the things that I write on are retained. I have
24 them in boxes sometimes in storage areas, sometimes
25 -- sometimes other people retain them. I have some

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1 piles of paper that are sort of useful past scrap
2 paper. They may be in there.

3 Q. Where do you -- where do you keep these
4 files?

5 A. Well, there are some files in the house.
6 There are some other people who have had files
7 collected, things of mine that I don't know where
8 they are.

9 Q. Has anyone asked you for these files during
10 the course of this litigation?

11 A. I don't think so, although I did look for
12 papers that were related to the thing and did not
13 find any.

14 Q. Where did you look?

15 A. I looked in my house. I looked through my
16 piles.

17 Q. Did Kristin Keeffe ever ask you to look for
18 documents relating to this lawsuit?

19 A. I think she asked me if I knew if certain
20 ones existed.

21 Q. What documents did she ask you about?

22 A. She asked me about e-mail accounts that I
23 might have.

24 Q. And were you able to locate documents
25 relating to e-mail accounts?

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1 A. No.

2 Q. Did she ask you to look through your files
3 for anything relating to this matter?

4 A. She asked me -- she asked me about e-mail. I
5 think she asked me if I had any notes relating to
6 the Hochman reports and the Paul Martin reports,
7 which I did not find any 'cause I did look for them,
8 but I don't remember her asking specifically.

9 Q. Okay. Do you recall what your notes on the
10 Hochman and Martin articles stated?

11 A. Yeah. The -- not so much the Martin article.
12 The Hochman article has a number of logical
13 inconsistencies and a number of factual
14 inconsistencies. I think there are something like
15 in the two-page article I think there are 20 or
16 something like that factual inconsistencies and over
17 80 logical inconsistencies.

18 Q. Did you ever -- did you ever give your notes
19 to an attorney?

20 A. I'm not sure. There was one point where one
21 of the attorney firms wanted me to analyze the
22 articles, and I said that I would like to see their
23 analysis first; and I did not end up analyzing the
24 article for them. I do have, you know, thoughts on
25 it but...

1 Q. Do you remember which firm that was?

2 A. Proskauer, I believe.

3 Q. Do you believe you gave Proskauer any
4 documents relating to the articles?

5 A. I don't know if in the end I did. It -- I
6 may well have, but originally I wanted them to do
7 it first; and I wanted to see what they thought
8 because I'm -- I'm a logic person. I know facts
9 relating to NXIVM, but I'm not a legal person, and
10 my analysis of the article is highly tedious.

11 Q. Do you recall what you gave to Proskauer?

12 A. If I gave anything -- and I don't recall,
13 per se -- I probably would have given just the Word
14 documents of each of the sentences and the analysis
15 and the logical flow and stuff like that.

16 Q. And do you remember who at Proskauer you
17 would have given that to?

18 A. No, I --

19 MR. McGUIRE: Object to the form.

20 Q. If you gave the documents, do you know who at
21 Proskauer you would have given them to?

22 A. No. I wasn't a client of Proskauer's. I
23 ultimately would have given them to either Nancy or
24 to Kristin or someone like that, and they would have
25 given them to Proskauer.

1 Q. I'm sorry. You had said you were not a
2 client of Proskauer?

3 A. Of Proskauer's, right.

4 Q. Did you meet with Proskauer on any occasions?

5 A. I was introduced to attorneys from Proskauer.

6 Q. Did you discuss the substance of the case
7 with them?

8 A. No.

9 MR. KOFMAN: Okay. I'd like to -- would
10 you please mark this as Raniere-2.

11 (Affidavit of Keith Raniere signed
12 8/18/03 consisting of six pages was received and
13 marked Defendant's Exhibit Raniere-2 for
14 Identification.)

15 BY MR. KOFMAN:

16 Q. Mr. Raniere, I'd like you to take a look at
17 a document that's been marked as Raniere-2 entitled
18 Affidavit.

19 Please take a look at that.

20 A. Okay.

21 (Witness complies.)

22 Q. Do you recognize that document?

23 A. It looks like my Affidavit. Hold on.

24 Q. Turning to the last page of this, which is
25 Page 6 --

1 A. Yes.

2 Q. -- is that your signature?

3 A. It appears to be. That's what I just
4 checked.

5 Q. Did you review -- did you draft this
6 document?

7 A. I don't believe I drafted it, but I certainly
8 if I signed it looked at it and approved it.

9 Q. Okay. Was this drafted by one of your
10 attorneys?

11 A. I'm not sure.

12 Q. Okay, but you're certain you looked at it to
13 make sure it was accurate?

14 A. Yes.

15 Q. Okay. Did you have any changes to what you
16 were presented by your attorneys?

17 A. I don't know. I sometimes do.

18 Q. Okay. Do you recall whether you did in this
19 situation?

20 A. No, I don't know.

21 Q. Okay. Turning to Paragraph 2 of your
22 Affidavit, which is actually on the first page, it
23 contains the sentence, "Rick Ross was hired to
24 discredit us and by using a series of false facts
25 has created an avalanche of false bad press."

1 Who did you -- when you say, "Rick Ross was
2 hired to discredit us," what was your understanding
3 as to who hired Rick Ross?

4 A. I think it was Moe Sutton.

5 Q. Moe Sutton?

6 A. I believe so.

7 Q. What's the basis for your contention that
8 Morris Sutton hired Rick Ross to discredit -- strike
9 that.

10 When you say "us," to whom are you referring?

11 A. NXIVM -- what is now NXIVM, what is ESP,
12 myself, Nancy Salzman, whoever was discredited.

13 Q. Okay. What's the basis for your statement
14 that Moe Sutton hired Ross to discredit you?

15 A. Because that's what I was told. I was told
16 that he hired Ross; and I was told that Moe Sutton
17 wanted to take Michael, if you will, the phrasing I
18 think is away from NXIVM, wanted Michael to be in
19 his family business, did not want certain family
20 secrets revealed and because Michael wanted to
21 reveal those things wanted to discredit us.

22 Q. Who told you all those things?

23 A. I believe Michael did.

24 Q. But was your source for this statement that
25 "Rick Ross was hired to discredit us" anybody

1 besides Michael?

2 Did you have another source for that besides
3 what Michael told you?

4 A. I -- I don't think so because I don't know
5 anyone else who would have firsthand knowledge.

6 Q. Did Michael Sutton tell you what the basis
7 of his understanding of why Rick Ross was hired?

8 A. I believe he did.

9 Q. Do you recall him telling you?

10 A. I recall over a period of several
11 conversations him saying a number of things, yes.

12 Q. And was that all prior to August 18, 2003,
13 the date of this Certification?

14 A. I don't know if it was all prior, but there
15 must have been sufficient prior. Otherwise, I
16 wouldn't have signed this.

17 Q. So what specifically did Michael tell you
18 about why his family -- why -- strike that.

19 Did Michael indicate that Rochelle Sutton had
20 hired Ross to discredit you?

21 A. No. I believe -- and when you say "hired,"
22 there's a difference I think between the person who
23 pays and the person who hires. It was Michael's
24 strong impression because of what was going on with
25 their family that his father hired Rick Ross.

1 Q. Okay, and who do you understand paid
2 Rick Ross?

3 A. I don't know.

4 Q. Okay. Did Michael indicate to you at all
5 that Rochelle Sutton had hired Rick Ross?

6 A. No.

7 Q. Did he say anything to you about his mother
8 -- at all about his mother during these
9 conversations?

10 A. It wasn't the main focus.

11 Q. Did he --

12 A. I think he --

13 Q. Strike that.

14 Did he mention her at all?

15 A. Probably.

16 Q. Do you recall one way or the other?

17 A. No. I know that he has I think in his mind a
18 stronger relationship with his mother than with his
19 father; so he has spoken of going to lunch with his
20 mother over the years, things like that.

21 I don't remember if he specifically spoke of
22 his mother back then.

23 Q. Okay, but did he indicate whether Stephanie
24 Franco had hired -- had been responsible for hiring
25 Rick Ross?

1 A. No, I don't remember.

2 Q. Do you have any knowledge one way or the
3 other as to whether Stephanie Franco was responsible
4 for the hiring of Rick Ross?

5 A. No, I don't know.

6 Q. Okay. What did he tell -- what did then
7 Michael tell you about the reasons that he
8 understood Morris Sutton had hired Rick Ross?

9 A. This is confidential, yes?

10 Q. Yes.

11 A. Michael Sutton has a child out of wedlock.
12 In his community, there is a rule I guess that if
13 you have a child out of wedlock you must shun them
14 and shun the woman that you had the child with.

15 He originally came to NXIVM because this
16 was a conflict in his life. And when he decided to
17 support that child, he told me that -- things like
18 he didn't want to be walking in the city and have
19 his little girl come up to him and have to ignore
20 her so he -- he said that his father was very upset.

21 He told his father that he wanted to embrace
22 his child. His father told him that he would, from
23 what I understand, disown him. And I even think in
24 the end he was pushed or strongly inspired to be out
25 of the family business.

1 It is my understanding he was considered a
2 most eligible bachelor within their community and
3 that this was disgraceful, and it is my
4 understanding that the father would do anything to
5 uphold their family position within this community
6 and that we were seen as an obstruction to this.

7 Q. Did -- and this is what Michael told you over
8 the series of several conversations?

9 A. Yeah. It's been -- at times, I have met his
10 -- the mother of his child. He's asked me questions
11 about his child and his relationship and things like
12 that as a friend.

13 Q. How did the subject of why his parents --
14 of why Morris Sutton hired Rick Ross come up?

15 Who raised it, you or Michael?

16 A. I think probably Michael.

17 Q. Where did you have these -- this discussion?

18 A. I don't know. I mean, there are numerous
19 places I have spoken with Michael.

20 Q. Was anybody else present at any of these
21 conversations?

22 A. Over the years, there have been other people
23 present. I don't know if during this time period
24 there was anyone present.

25 Q. Who else has been present during these

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1 conversations?

2 A. Kristin has been present, Nancy has been
3 present, Tom Sarzen has been present. I think there
4 have been a few others.

5 Q. Did Michael -- so I'm trying to focus. What
6 did Michael specifically say about why Morris hired
7 Rick Ross?

8 A. I -- I had heard originally that Morris hired
9 Rick Ross to destroy us were the words. I have
10 heard recently that that is stronger than Michael
11 believes.

12 Q. When you say you had heard that Michael had
13 hired --

14 A. Moe.

15 Q. -- Rick Ross to destroy you, from who did you
16 hear that?

17 A. I meant Moe. If I said Michael, I meant Moe.

18 Q. Strike that.

19 From who did you hear that Michael had hired
20 -- that Morris Sutton had hired Rick Ross to destroy
21 you?

22 A. I believe Michael. Now, I --

23 Q. Did he?

24 A. Now, I did see recently that Michael or hear
25 recently that Michael does not use that strong of a

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1 word. So although my recollection might be that,
2 I'm open to the fact that maybe it would be more
3 Moe Sutton would do anything in his power to get
4 Michael back, even if it meant destroying us.

5 Q. Okay. Did Michael use the word "destroy" in
6 your con -- "destroy" NXIVM in your conversations in
7 2003?

8 A. To the best of my recollection.

9 Q. Did he use the word "discredit"?

10 A. I think, yes. I am pretty sure. I'm more
11 sure of "discredit" than "destroy."

12 Q. Uh-huh.

13 A. Michael told me that Moe Sutton is a very
14 powerful man, the type of man that has senators
15 over for dinner I believe is what the phrase was.

16 Q. Did Michael indicate back in 2003 that his
17 father was concerned about his involvement with
18 NXIVM?

19 A. Yes. I would consider saying what I remember
20 him saying expressing concern.

21 Q. Did Michael indicate that the -- in 2003 that
22 the reason his father had hired Rick Ross was to get
23 him to separate from NXIVM?

24 A. I believe that was the gist of the
25 conversation.

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1 Q. Did he indicate anything about -- strike
2 that.

3 Did he indicate how Morris Sutton's -- strike
4 that.

5 Did he indicate why he believed Morris Sutton
6 would try to destroy or discredit NXIVM? Strike
7 that. Let me rephrase the question.

8 Did he indicate what the source of his
9 understanding of Morris Sutton's intent was?

10 A. I believe social embarrassment.

11 Q. Did he --

12 A. That is my opinion.

13 Q. Did he indicate that Morris Sutton had told
14 him that he wanted to destroy or discredit NXIVM?

15 A. I believe so.

16 Q. Okay. Did he quote his father?

17 A. I believe so.

18 Q. You didn't take any notes of any of these
19 conversations, did you?

20 A. No.

21 Q. If you had to draft this same sentence today,
22 would you change anything?

23 A. Which one?

24 Q. The one that said, "Rick Ross was hired to
25 discredit us."

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1 A. I still believe in what Michael told; and
2 also with some of the additional language that Rick
3 Ross has used on his site, I would fortify this, so
4 I do believe that Rick Ross was hired to discredit
5 us.

6 I might add because of what I have heard
7 recently that it is my opinion because there is some
8 conflict as to whether Moe Sutton said, "I will
9 destroy NXIVM" or "I will do anything in my power to
10 get you back, even if it means destroying NXIVM"
11 so...

12 Q. Have you read -- are you aware that Michael
13 Sutton was deposed in this case?

14 A. Yes.

15 Q. Have you read the transcript of his
16 deposition?

17 A. No.

18 Q. Is it your contention that Morris Sutton is
19 responsible for the content of Rick Ross' website as
20 it pertains to NXIVM?

21 MR. McGUIRE: Object to the form of that
22 question. It calls for a legal conclusion.

23 A. Can you please define what you mean by
24 "responsible"?

25 Q. Is it your understanding that Morris Sutton

1 has been involved in selecting the content or what
2 is posted on Rick Ross' website about NXIVM?

3 A. I can only offer my opinion. I don't believe
4 that Moe Sutton selects everything that is on Rick
5 Ross' website related to NXIVM. I don't know what
6 his involvement is.

7 Q. Do you understand -- do you have any
8 understanding as to whether Morris Sutton has
9 selected anything for placement on Rick Ross'
10 website?

11 A. I'm not sure.

12 Q. Do you have any understanding as to whether
13 Morris Sutton has any control over what Rick Ross
14 puts on his website?

15 A. My assumption is that he doesn't have full
16 control of what Rick Ross puts on his website.

17 Q. You said "full control."

18 Do you have any understanding as to whether
19 he has any control?

20 A. I don't know. I don't know what the relation
21 -- the full relationship is between Rick Ross and
22 Moe Sutton.

23 Q. So a little while ago you said that based on
24 what appears on the website you could make certain
25 conclusions about what Morris Sutton's intent was.

1 How can you make an assumption about Morris
2 Sutton's intent based on the website if you don't
3 know what role Morris Sutton has with respect to the
4 website?

5 A. I -- I don't remember saying that.

6 Could you please repeat what I said so I can
7 comment on it?

8 Q. Well, the transcript will be clear but do you
9 -- that's fine. We can move on.

10 When you say that you understand now that
11 Michael Sutton's words have changed, is that based
12 on conversations you've had with Michael?

13 MR. CAMPION: I object to the form of
14 that question.

15 Go ahead and answer it.

16 A. I'm not sure completely.

17 Q. Do you have any -- strike that.

18 Has Michael Sutton indicated to you that his
19 perception has changed about why Morris Sutton hired
20 Rick Ross?

21 A. No.

22 Q. Is this something you've heard from third --
23 from someone other than Morris -- than Michael
24 Sutton?

25 A. I heard that Michael Sutton had signed or

1 had an Affidavit somehow prepared and that there
2 was something that needed to be changed because he
3 didn't agree with it relating to this issue.

4 Q. Do you know when that was?

5 A. No.

6 MR. SYLVESTER: What do you guys want to
7 do about lunch breaks?

8 MR. CAMPION: Why don't we break at
9 12:30.

10 MR. KOFMAN: What time is it now?

11 MR. CAMPION: Twenty after.

12 MR. KOFMAN: Give me about five minutes
13 and then we'll break.

14 MR. CAMPION: Sure, okay.

15 (A discussion was held off the record.)
16

17 BY MR. KOFMAN:

18 Q. Mr. Raniere, you mentioned that you were
19 asked to search for e-mail accounts.

20 What e-mail accounts have you maintained
21 since 2001?

22 A. Maintained all the way through?

23 Q. Strike that.

24 What e-mail accounts have you had access to
25 and used?

1 A. There's the Kunterre@nycap.rr.com, which I
2 have a shared access to. There were one or two
3 Yahoo accounts. I think there was one that was
4 Honor and Ethics. There is a current account that
5 has been created recently, which is there's a -- I
6 have a Facebook account and a Yahoo account which is
7 my name. I believe there was a Yahoo account,
8 Vanguard 2000 that someone created for me, and I
9 don't know if I can get e-mail on the NXIVM server.
10 I believe that I can, although I don't recall
11 getting any e-mail at Vanguard@NXIVM.com.

12 Q. Have you -- at any time since the litigation
13 was filed, have you searched these e-mail accounts
14 to locate any documents relevant to this litigation?

15 A. Yes.

16 Q. When did you perform that search?

17 A. The last time or --

18 Q. The first time.

19 A. 'Cause there were a few times.

20 Q. The first time.

21 A. The first time, I don't remember. It was a
22 discovery request a bit back. I think it was
23 Kristin that asked me.

24 Q. And did you locate anything at that time?

25 A. No.

<p style="text-align: right;">Page 81</p> <p>1 Q. Okay. Have you searched since then?</p> <p>2 A. Yes.</p> <p>3 Q. In response to other discovery requests?</p> <p>4 A. Or the same one. I'm not sure.</p> <p>5 Q. Have you located any documents from your</p> <p>6 e-mail accounts?</p> <p>7 A. No.</p> <p>8 Q. From any of these e-mail accounts?</p> <p>9 A. I have to say there have been several</p> <p>10 computers in between. The NXIVM -- the Nycap server</p> <p>11 and also -- the Nycap server is different than, say,</p> <p>12 the Yahoo server. The Yahoo server keeps your mail</p> <p>13 on the server, and you can access it from anyplace</p> <p>14 whereas the Nycap server downloads to the specific</p> <p>15 computer and does not retain any of the e-mails, so</p> <p>16 I have limitations. The last time I searched my</p> <p>17 computers, which was at the request of my attorneys,</p> <p>18 I was only able to search back a few months.</p> <p>19 MR. KOFMAN: Let's take a break now.</p> <p>20 MR. CAMPION: Sure.</p> <p>21 MR. KOFMAN: Thank you.</p> <p>22</p> <p>23 (Witness excused.)</p> <p>24 (At this point, the luncheon recess was</p> <p>25 taken.)</p> <p style="text-align: right;">Page 82</p> <p>1 AFTERNOON SESSION</p> <p>2</p> <p>3 THE VIDEOGRAPHER: This is the beginning</p> <p>4 of Tape Number 3. We're on.</p> <p>5 MR. KOFMAN: What's the time?</p> <p>6 THE VIDEOGRAPHER: 2:51.</p> <p>7</p> <p>8 KEITH ALAN RANIERE, previously</p> <p>9 sworn, resumed the stand and testifies on his oath</p> <p>10 as follows:</p> <p>11</p> <p>12 CONTINUED DIRECT EXAMINATION BY MR. KOFMAN:</p> <p>13 Q. Back on the record, Mr. Ranieri. Have you</p> <p>14 ever heard of something called neuro linguistic</p> <p>15 programming?</p> <p>16 A. Yes.</p> <p>17 Q. Have you ever taken any classes in</p> <p>18 neurolinguistic programming?</p> <p>19 A. Yes.</p> <p>20 Q. When did you take those classes?</p> <p>21 A. Long ago, early -- mid-'80s maybe, something</p> <p>22 like that. I took one class.</p> <p>23 Q. Okay. How long was the class, if you recall?</p> <p>24 A. No.</p> <p>25 Q. Did you get any materials from the class?</p>	<p style="text-align: right;">Page 83</p> <p>1 A. No.</p> <p>2 Q. Have you ever attended any meetings or</p> <p>3 sessions of Scien -- the Church of Scientology?</p> <p>4 A. I'm not sure if you'd call it a meeting or a</p> <p>5 session. I have a number of friends who are</p> <p>6 Scientologists.</p> <p>7 Q. Have you ever attended any events sponsored</p> <p>8 by the Church of Scientology?</p> <p>9 A. No, not that I know of.</p> <p>10 Q. Okay. Did you have friends who were members</p> <p>11 of the Church of Scientology prior to 1998?</p> <p>12 A. Prior to 1998, yes, I think so.</p> <p>13 Q. Okay. Have you ever discussed with them the</p> <p>14 tenets of Scientology?</p> <p>15 A. Not in detail, philosophically.</p> <p>16 Q. Have you ever reviewed any Scientology</p> <p>17 materials?</p> <p>18 A. Yes.</p> <p>19 Q. What type of mat -- what materials?</p> <p>20 A. I have this book. Dianetics is what they</p> <p>21 call it. I started reading that.</p> <p>22 Q. Did you read that before 1998?</p> <p>23 A. I'm not sure. I think so.</p> <p>24 Q. Okay. Mr. Ranieri, what's the Rational</p> <p>25 Inquiry Method in general terms?</p> <p style="text-align: right;">Page 84</p> <p>1 A. It's a mathematical method of analyzing data;</p> <p>2 any human discipline, athletics, the arts, whatever.</p> <p>3 Q. Is the Rational Inquiry Method what is taught</p> <p>4 by NXIVM in its Intensives?</p> <p>5 A. I would say some of the Rational Inquiry. Is</p> <p>6 the method itself taught in the Intensives? I would</p> <p>7 say results of the method are taught in the</p> <p>8 Intensive.</p> <p>9 Q. Do the materials that NXIVM provides to</p> <p>10 students at Intensives, are those part of the</p> <p>11 Rational Inquiry Method?</p> <p>12 A. I think some are, some aren't.</p> <p>13 Q. What parts of the materials are part of the</p> <p>14 Rational Inquiry Method?</p> <p>15 A. I think it's important to distinguish the</p> <p>16 Rational Inquiry Method as a tool and then the</p> <p>17 results of what that tool does.</p> <p>18 Do you consider the results of what that tool</p> <p>19 does part of the method?</p> <p>20 Q. What do you define as the method?</p> <p>21 A. I would say the theoretical procedure and</p> <p>22 procedures involved in the creation of certain</p> <p>23 results. I look at the Rational Inquiry Method as a</p> <p>24 tool.</p> <p>25 Q. Okay, and the results are what is taught in</p>
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1 NXIVM Intensives?
 2 A. Some of them.
 3 Q. What would you characterize as the results
 4 that are taught in the Rational Inquiry -- in NXIVM
 5 Intensives?
 6 A. A specific ordering of questions, a specific
 7 ordering of philosophical concepts; things like
 8 that.
 9 Q. So is it my understanding that NXIVM
 10 Intensives do not teach the full Rational Inquiry
 11 Method?
 12 A. In other words, do all of the Intensives
 13 together teach all of Rational Inquiry, no.
 14 Q. Are there any courses that -- available that
 15 teach the entire Rational Inquiry Method?
 16 A. I wouldn't say the entire method as it exists
 17 today.
 18 Q. Are you the sole author of the Rational
 19 Inquiry Method?
 20 A. I am the sole creator of it.
 21 When you say "author," what do you mean?
 22 Q. Did you develop the Rational Inquiry Method?
 23 A. Yes.
 24 Q. Did anyone assist you in developing it?
 25 A. Can you be specific about "assist"?

1 Q. Did anyone work with you in developing the
 2 Rational Inquiry Method?
 3 A. To some degree.
 4 Q. Who?
 5 A. Nancy to some degree.
 6 Q. Did you consult with any source materials
 7 when you created the Rational -- when you and with
 8 the assistance of Ms. Salzman created the Rational
 9 Inquiry Method?
 10 A. No, not that I know of.
 11 Q. Were there any books that you referenced?
 12 A. I mean, there are a lot of different things
 13 that I reference.
 14 Q. Any books that you consulted in the draft --
 15 in the creation of the method?
 16 A. I guess I'm not understanding in full.
 17 How would that look?
 18 Q. When you drafted the method or committed pen
 19 to paper, were there any -- did you make use of any
 20 books?
 21 A. I did -- you're assuming I put pen to paper
 22 to do the method. There is a patent related to the
 23 Rational Inquiry Method. There are products from
 24 the Rational Inquiry Method that are in writing.
 25 There are teaching methodologies that aren't

1 written. The whole Rational Inquiry Method is not
 2 committed to writing.
 3 Q. Okay.
 4 A. And in the patent, I mean, there is like a --
 5 all the related works type of things.
 6 MR. SKOLNIK: Can I get that last answer
 7 back.
 8 THE WITNESS: In the patent -- oh, I'm
 9 sorry.
 10 (The following was read back by the
 11 reporter:
 12 "I did -- you're assuming I put pen to
 13 paper to do the method. There is a patent related
 14 to the Rational Inquiry Method. There are products
 15 from the Rational Inquiry Method that are in
 16 writing. There are teaching methodologies that
 17 aren't written. The whole Rational Inquiry Method
 18 is not committed to writing.
 19 QUESTION: Okay.
 20 ANSWER: And in the patent, I mean,
 21 there is like a -- all the related works type of
 22 things.")
 23 BY MR. KOFMAN:
 24 Q. What source materials did you use to create
 25 the Rational Inquiry Method?

1 A. None specific that I can think of.
 2 Q. Did you incorporate anything from
 3 neurolinguistic programming into the Rational
 4 Inquiry Method?
 5 A. No, I don't think so.
 6 Q. How about from the Church of Scientology?
 7 A. I don't believe so.
 8 Q. Is the term "suppressive" something that's
 9 used in the Rational Inquiry Method?
 10 A. I don't know if that's part of the method.
 11 That's a label used for a certain type of behavior
 12 pattern.
 13 Q. And what is the label? What behavior pattern
 14 is it used for?
 15 A. Someone that is acting out of a type of
 16 emotion that is negative.
 17 Q. Okay. Do you have an understanding one way
 18 or the other as to whether the term "suppressive" is
 19 used by Scientology?
 20 A. I think they use something similar. I was
 21 told they have something called suppressive person.
 22 I don't find them similar in my conversations with a
 23 friend that knows about that.
 24 Q. When did you learn that Scientology used
 25 something called suppressive person?

1 A. I'm not sure. It might have been out of the
2 book Dianetics -- I didn't read that much of that
3 book -- or it might have been from one of my
4 friends.

5 Q. Okay. Do you remember the name of the friend
6 who talked to you about suppressive persons?

7 A. Well, the name that -- the person that comes
8 to mind is Sean Bergeron.

9 Q. Okay. Is he also a member -- is he also a
10 student at NXIVM?

11 A. Yes.

12 Q. Did you consult any of the works of Ayn Rand
13 when you were developing Rational Inquiry Method?

14 A. I wouldn't call them "consult." I greatly
15 appreciate Ayn Rand's works, what I've read of them.

16 Q. Did you incorporate any of her philosophy
17 into Rational Inquiry Method?

18 A. Not in the method, but some of the patterns
19 within her philosophy -- some of the things within
20 her philosophy I think are very good.

21 Q. And were they incorporated into the materials
22 that NXIVM provides?

23 A. Yes.

24 Q. Can you give some example?

25 A. I can only think of one primarily.

1 Q. What's that?

2 A. Certain things within the Money module are a
3 tribute to her work.

4 Q. I'm sorry. You said a tribute to her work?

5 A. To her work.

6 Q. Is she cited in the Money module?

7 A. At one time, she was. I don't know if that's
8 the case now.

9 Q. Do you have any documents -- strike that.

10 Did you create any documents when you were
11 developing the Rational Inquiry Method?

12 A. Can you be more specific?

13 Q. Are there any -- did you take notes or when
14 you were -- or have any drafts of materials that
15 were incorporated into the Rational Inquiry Method?

16 A. I apologize. Understand, I believe the
17 Rational Inquiry Method was developed over 30 years.
18 You're asking me if I've drafted any materials over
19 the past 30 years or have any notes over the past
20 30 years, I'm sure I did, but I guess I'm not
21 understanding your question other than that.

22 Q. Okay. I'm going to move a little bit to
23 something related.

24 First of all, you mentioned patent. Did you
25 apply for a patent for the Rational Inquiry Method?

1 A. Yes, if I'm -- I'm speaking as a lay person.

2 Q. Okay. What was -- what's the status of that
3 patent application?

4 A. I believe it's pending.

5 Q. When did you file -- first file an
6 application for the Rational Inquiry Method, a
7 patent application?

8 A. I'm guessing, 1999-2000, somewhere in there.

9 Q. When was the last time any action was taken
10 by the Patent Office?

11 A. I'm not sure.

12 Q. Are you aware as to whether the Patent Office
13 has expressed any opinions as to whether or not it
14 will issue a patent?

15 A. Well, there have been ongoing back and forth
16 with it.

17 THE WITNESS: Am I -- I don't know.
18 Does this -- I don't want to do anything that goes
19 against attorney-client privilege with my --

20 MR. CAMPION: To the extent there are
21 public pronouncements by the patent office, counsel
22 is inquiring certainly about that.

23 MR. KOFMAN: Yes.

24 A. I don't know if they're public or not. My
25 understanding is it's an ongoing thing.

1 Q. Who is representing you in connection with
2 the patent application?

3 A. Arlen Olsen.

4 Q. And do you know when the last time the Patent
5 Office contacted Mr. Olsen about your application?

6 MR. CAMPION: You can answer that.

7 A. No.

8 Q. Did the -- do you have a recollection that
9 in 2004 the Patent Office issued what it termed was
10 a final denial of the patent application for
11 Rational Inquiry Method?

12 A. I am --

13 THE WITNESS: How much can I say without
14 violating attorney-client privilege?

15 MR. CAMPION: Okay. If I understand the
16 question correctly, you're asking whether the
17 witness is familiar with some document that came
18 from the Patent Office?

19 MR. KOFMAN: Correct.

20 MR. CAMPION: All right. Why don't you
21 show him the document and inquire that way.

22 THE WITNESS: Would it be helpful if we
23 took a break and I told you what I know, and then
24 you can decide the best way so I can give him the
25 information?

1 MR. CAMPION: Counsel, what's your
2 position on that?

3 MR. KOFMAN: I think I'd rather show him
4 the documents and --

5 THE WITNESS: Okay.

6 MR. KOFMAN: Please mark this as
7 Ranieri-3.

8 (United States Patent and Trademark
9 Office documents Bates stamped P00000209 through
10 231 were received and marked Defendant's Exhibit
11 Ranieri-3 for Identification.)

12 MR. KOFMAN: For the record, Ranieri-3
13 is a document that was produced to my firm in
14 discovery. It bears Bates stamp numbers P209
15 through P231, and it bears a Bates stamp from the
16 firm of Schmeiser, Olsen & Watts LLP dated August
17 26, 2004.

18 BY MR. KOFMAN:

19 Q. Have you seen this document before, sir?

20 A. I'm not sure. I'm not sure.

21 Q. Would looking at the document refresh your
22 recollection as to whether you saw it before or not?

23 A. No.

24 Q. Okay. Do you recall the Patent Office taking
25 the position that the Rational Inquiry Method was

1 not patentable?

2 A. No.

3 Q. Do you have any reason to believe your
4 attorney didn't share, Mr. Olsen didn't share the
5 Patent Office's conclusions with you?

6 A. No.

7 Q. Did it ever come to your attention -- strike
8 that.

9 Was part of what you were trying to patent
10 the scarves and sashes that NXIVM students wear?

11 A. That's one of a series of patents, yes.

12 Q. Did it come to your attention that the Patent
13 Office had stated that scarves and sashes were not
14 patentable as a showing of rank, since the Boy
15 Scouts use the same thing?

16 A. No.

17 Q. Okay. What's the last --

18 A. Aren't they patented?

19 Q. What's the last information you've heard from
20 the Patent Office or you're aware of from the Patent
21 Office as to the status of your application for
22 Rational Inquiry Method?

23 A. It's being examined.

24 Q. When was the last time you had a
25 communication about the status of the patent?

1 A. Rational Inquiry?

2 Q. Yes.

3 A. When I meet with Arlen, we go through all of
4 the -- all of the patents, so I guess within the
5 past few months I've met with him.

6 Q. Does he copy you on documents that he files
7 with the Patent Office?

8 A. I think most of the time. I don't read them.
9 There are a lot of them.

10 Q. How did you come to be called "vanguard"?

11 A. You want to know the process?

12 Q. Yes.

13 A. I had believed that it would be a good idea
14 in the school to have titles. I got together with a
15 group of people, four or five friends, and we got a
16 thesaurus out and went through all the titles that
17 could be for the different things, whether it be
18 coach, proctor, counselor, prefect, vanguard, as
19 they are today. There were a lot of different
20 suggestions.

21 There were two suggestions that I did not
22 want to be called. I did not want to be called
23 "master," and although in martial arts they always
24 refer to people; Master Pai, Master Fong, I didn't
25 want that. I also didn't want to be called anything

1 like what they do in the Elks Club, which is Grand
2 Exalted Ruler. I thought that was a little extreme.
3 I wanted a title that had a functional relationship
4 to my role.

5 So people put in things. All five people put
6 in a bunch of alternatives, and everyone ranked
7 them -- I believe it was the top five -- and ranked
8 them from one to five, and we added the ranks
9 together; and "vanguard" had the highest score. It
10 was not my number one choice.

11 Q. Does the name derive at all from Ayn Rand or
12 Ayn Rand?

13 A. No.

14 Q. What was your number one choice?

15 A. "Founder," I believe.

16 Q. Does NXIVM -- do you know if NXIVM presently
17 represents that Rational Inquiry Method is patent
18 pending?

19 A. I believe it is.

20 MR. KOFMAN: Mark this, please, as
21 Ranieri-4.

22 THE WITNESS: Are we done with this
23 document?

24 MR. KOFMAN: We are.

25 (Document entitled Assignment Bates

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1 stamped P000000689 was received and marked
2 Defendant's Exhibit Raniere-4 for Identification.)

3 THE WITNESS: I'm about to cough. Is
4 that okay?

5 THE VIDEOGRAPHER: That's okay.

6 THE WITNESS: Sorry.

7 BY MR. KOFMAN:

8 Q. Mr. Raniere, the document I'm showing you --

9 MR. CAMPION: Let me have the document.

10 MR. KOFMAN: Oh, I'm sorry.

11 A. Is this for me?

12 Q. Yeah. The document I'm showing you, sir,
13 which has been marked as Raniere-4 is a single-page
14 document produced in discovery Bates stamped P689.

15 Is that your signature at the bottom of the
16 document?

17 A. It appears to be.

18 Q. Was this a document that you signed to assign
19 your rights in Rational Inquiry Method to First
20 Principles?

21 A. I believe so.

22 Q. And why did you assign your rights to
23 Rational Inquiry Method to First Principles?

24 A. So that First Principles could develop,
25 ultimately develop curriculum.

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1 Q. Do you receive any money for Rational Inquiry
2 Method from either NXIVM or First Principles?

3 A. No.

4 Q. Do you receive money for Rational Inquiry
5 Method from any source?

6 A. No.

7 Q. Do you -- are you employed anywhere at
8 present?

9 A. No.

10 Q. Did you -- what was the consideration that
11 you gave -- or strike that.

12 Did -- what did First Principles pay for the
13 assignment of the rights to Rational Inquiry Method?

14 A. There's a 10 percent royalty that's supposed
15 to go to a foundation to study human potential, and
16 an additional condition is they are to develop
17 principles -- develop curriculum in a way that does
18 not go outside of what I would want with the
19 property.

20 Q. Okay. When you say they donate 10 percent to
21 the foundation, to what foundation are you
22 referring?

23 A. I don't believe the 10 percent has ever been
24 actualized.

25 Q. Was your under -- they did -- there was some

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1 discussion at the time of this assignment that they
2 would donate money to a foundation?

3 A. There was supposed to be a 10 percent, I
4 guess you would call it a donation to a foundation
5 to study the method, to study things relating to the
6 method.

7 Q. What was the name of the foundation that
8 was --

9 A. It was not specified.

10 Q. Okay, and has any money ever been donated to
11 a foundation to study the method?

12 A. I don't know.

13 Q. Do you know why that is?

14 A. There has been money donated to a foundation
15 to study the method. I don't know if the 10 percent
16 has been donated to study the method.

17 Q. What's the name of the foundation to which
18 the money has been donated?

19 A. Oh, what was it called? The Ethical
20 Foundation I think is the name.

21 Q. Are you an officer or director of the Ethical
22 Foundation?

23 A. No.

24 Q. Are you an employee of the Ethical
25 Foundation?

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1 A. No.

2 Q. Do you have any relationship at all with the
3 Ethical Foundation?

4 A. No.

5 Q. Do you know who is an officer and director of
6 the Ethical Foundation?

7 A. Joe O'Hara was. I don't know who is
8 currently.

9 Q. Is Ms. Salzman?

10 A. I don't know. I --

11 Q. Do you know if Ms. Keeffe is?

12 A. I don't believe so, but I don't know.

13 Q. Have you ever seen any results of the Ethical
14 Foundation's study of the method?

15 A. I'm not sure if it's the Ethical Foundation
16 that did the studies.

17 Q. Do you know of any studies that have looked
18 at the results of the Eth -- of the Rational Inquiry
19 Method?

20 A. Yes.

21 Q. What's the name -- what studies have been
22 done?

23 A. There's an ongoing study done with people
24 coming in and taking the courses, and after the
25 course and a certain number of -- amount of time

<p style="text-align: right;">Page 101</p> <p>1 after the course and things like that.</p> <p>2 Q. Who is conducting that study?</p> <p>3 A. His first name is Sheldon.</p> <p>4 Q. Is it Sheldon Solomon?</p> <p>5 A. Yes.</p> <p>6 Q. Have you seen any documents generated by</p> <p>7 Mr. Solomon's study?</p> <p>8 A. I've seen a few.</p> <p>9 MR. KOFMAN: And, Bill, do you know if</p> <p>10 all those documents have been produced in discovery?</p> <p>11 I've seen some, but do you know if all of the</p> <p>12 documents from Mr. Solomon have been produced?</p> <p>13 MR. McGUIRE: As far as I know, but you</p> <p>14 know I wasn't involved at that time.</p> <p>15 MR. KOFMAN: Sure. I'll make -- put a</p> <p>16 request on the record and follow up with a letter</p> <p>17 just to confirm that.</p> <p>18 MR. McGUIRE: Fair enough.</p> <p>19 (Request.)</p> <p>20 Q. Have you personally received any -- strike</p> <p>21 that.</p> <p>22 Is Mr. Solomon employed by NXIVM or First</p> <p>23 Principles?</p> <p>24 A. I don't believe so.</p> <p>25 Q. Is he employed by the Ethical Foundation?</p>	<p style="text-align: right;">Page 103</p> <p>1 A. Yes.</p> <p>2 Q. And did you put up money for the purchase?</p> <p>3 A. Originally, yes.</p> <p>4 Q. When was that?</p> <p>5 A. 1987.</p> <p>6 Q. Now, putting aside the Rational Inquiry</p> <p>7 Method, you indicated to me that the curriculum --</p> <p>8 A. Done with this?</p> <p>9 Q. -- that's taught by NXIVM is separate from</p> <p>10 the Rational Inquiry Method.</p> <p>11 Are you the author of the modules that are</p> <p>12 taught at NXIVM?</p> <p>13 A. Can you be specific what you mean by</p> <p>14 "author"?</p> <p>15 Q. Did you -- did you create all of the modules</p> <p>16 that NXIVM teaches?</p> <p>17 A. I created the concep -- concepts and the</p> <p>18 order of the concepts. I did not author the text</p> <p>19 relating to the modules. I did not write it.</p> <p>20 Q. But you -- the concepts were developed --</p> <p>21 that are contained there are developed by you?</p> <p>22 A. Yes.</p> <p>23 Q. Who -- who wrote or took those concepts and</p> <p>24 wrote the modules?</p> <p>25 A. Various people. I don't know all of them.</p>
<p style="text-align: right;">Page 102</p> <p>1 A. I don't know.</p> <p>2 Q. Has he been hired or as a contractor by the</p> <p>3 Ethical Foundation?</p> <p>4 A. I don't know who or what.</p> <p>5 Q. How do you earn a living, Mr. Raniere?</p> <p>6 A. I have money. I don't earn it in a normal</p> <p>7 sense.</p> <p>8 Q. How do you earn it?</p> <p>9 A. Well, during my day, I teach piano and voice</p> <p>10 and solve problems; but I don't get money for those</p> <p>11 things. I have a certain amount of money, and</p> <p>12 that's how I live.</p> <p>13 Q. Well, are these savings of yours?</p> <p>14 A. Yes.</p> <p>15 Q. Has Ms. Salzman purchased a townhouse on your</p> <p>16 behalf?</p> <p>17 A. No.</p> <p>18 Q. Okay. Do you receive grants from any source?</p> <p>19 A. Not that I know of. Now, I have to say as</p> <p>20 far as purchasing a townhouse, I don't know all the</p> <p>21 purchases either. I would think if it was on my</p> <p>22 behalf I would know it but...</p> <p>23 Q. Do you own the address at which you live?</p> <p>24 A. Yes, half.</p> <p>25 Q. You're a co-owner?</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. Can you give me the names of the people you</p> <p>2 do recall?</p> <p>3 A. Um, I think Nancy might have. I'm not sure.</p> <p>4 I think Ivy Nevarez might have. She does a lot of</p> <p>5 the writing for NXIVM and also authorship. I can't</p> <p>6 think of anyone else.</p> <p>7 Q. Can you explain to me the process by which</p> <p>8 your concepts are translated into the modules or how</p> <p>9 the modules came to be written?</p> <p>10 A. Normally I would sit down with someone like</p> <p>11 Nancy and talk about the module, talk about the</p> <p>12 questions, sometimes give an ordering of the</p> <p>13 questions or at the time talk it through and come</p> <p>14 up with an ordering of the questions; and I'm not</p> <p>15 exactly sure how that gets translated ultimately</p> <p>16 into the module.</p> <p>17 Q. Would you review the modules before they were</p> <p>18 taught to make sure that they accurately reflected</p> <p>19 your concepts?</p> <p>20 A. In the beginning, I did. Now I do not.</p> <p>21 Q. When you say, "In the beginning," to what</p> <p>22 time period are you referring?</p> <p>23 A. The first few months of NXIVM I'd say, first</p> <p>24 three months maybe.</p> <p>25 Q. When was the last time you reviewed a module?</p>

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1 A. Reviewed one?

2 Q. Yeah -- yes.

3 A. I don't know, eight years ago or something;
4 a long time ago.

5 Q. Are you still -- but are you still involved
6 in the process of creating modules?

7 A. Yes.

8 Q. And do you use the same procedure that you
9 just described for me in the creation of a module?

10 A. Yes.

11 Q. The person who's writing these modules, do
12 they work from any notes that you've provided or is
13 it discussed orally?

14 A. Normally discussed orally. There may have
15 been occasions where notes have been provided.
16 There are times that during the oral discussion
17 notes are created.

18 THE WITNESS: If some of this process
19 becomes what I think is secret, how should I handle
20 this?

21 MR. CAMPION: I believe that's covered
22 by the confidentiality arrangement which is in place
23 agreed to by all parties and counsel at the
24 beginning of today's deposition.

25 A. Continue.

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1 Q. Do you have in your possession any of the
2 notes that you created relating to the creation of
3 these modules?

4 A. I may have some -- some notes that I made of
5 or relating to the concepts from which the modules
6 are created. Often I'll think about things and make
7 notes and from those notes derive things like
8 modules or articles or things like that.

9 MR. KOFMAN: Okay. I'd like to have the
10 transcript marked, and I'm going to make a request
11 for notes relating to the creation of modules for
12 teaching at NXIVM Intensives, and I'll follow up
13 with a letter.

14 (Request.)

15 MR. CAMPION: We'll respond in time.

16 MR. KOFMAN: Thanks.

17 BY MR. KOFMAN:

18 Q. Is it your understanding, Mr. Raniere, that
19 the modules that are taught at NXIVM contain trade
20 secrets?

21 A. Yes.

22 Q. So we're clear on terminology, how would you
23 define a trade secret?

24 A. I'm a lay person. So from my perspective, a
25 trade secret is something that we believe is unique,

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1 that we keep as a secret, and something that if it
2 were not a secret would be a disadvantage to us.

3 MR. KOFMAN: I'd like to have this
4 marked as Raniere-5, please.

5 (Three-page document entitled A Forensic
6 Psychiatrist Evaluates ESP was received and marked
7 Defendant's Exhibit Raniere-5 for Identification.)

8 THE WITNESS: Is this -- are we done
9 with this?

10 MR. KOFMAN: Yes, we are.

11 BY MR. KOFMAN:

12 Q. The document I'm showing you marked Raniere-5
13 is a three-page document entitled "A Forensic
14 Psychiatrist Evaluates ESP," dated February 2003 by
15 Dr. -- by John Hochman, M.D.

16 Mr. Raniere, I believe you indicated that you
17 read this article previously.

18 A. Yes.

19 Q. And is this one of the articles that appears
20 on the Rick Ross websites?

21 A. Yes.

22 Q. Does -- is it your understanding that this
23 article contains trade secrets belonging to NXIVM?

24 A. I'm not particularly sure.

25 Q. Have you ever reviewed the article to

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1 determine whether it contains any NXIVM trade
2 secrets?

3 A. Actually, I haven't reviewed it for that.

4 Q. Are you familiar with what portion of the
5 NXIVM materials constitutes trade secrets?

6 A. Not specifically. I'm more familiar with
7 things that are very important to NXIVM that we keep
8 as secret.

9 Q. Would those things be what you consider trade
10 secrets, or is there something that's a trade secret
11 in addition to what you say is very important to
12 NXIVM?

13 A. You know, I don't -- I don't know for sure.

14 I think that would have to be someone who knows
15 about that to make that evaluation.

16 Q. Does this article contain information that
17 NXIVM con -- that you consider unique to NXIVM, kept
18 as a secret by NXIVM, and would be a disadvantage to
19 NXIVM if it were disclosed?

20 MR. CAMPION: Could the reporter just
21 read that question again, please.

22 (The following was read back by the
23 reporter:

24 "Does this article contain information
25 that NXIVM con -- that you consider unique to NXIVM,

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1 kept as a secret by NXIVM, and would be a
2 disadvantage to NXIVM if it were disclosed?")

3 MR. CAMPION: In fairness to the
4 witness, counsel, can he read the document now?

5 MR. KOFMAN: Yes.

6 BY MR. KOFMAN:

7 Q. I'd like to you read the document because
8 then I'm going to have some specific questions about
9 the document. So you can take your time, sir, to
10 read it.

11 A. (Witness complies.)

12 Okay.

13 (A discussion was held off the record.)

14 MR. CAMPION: The question pending had
15 multiple parts.

16 Could you have the question reread,
17 please.

18 Q. Let me strike the question.

19 First of all, have you had an opportunity to
20 read the article?

21 A. Yes.

22 Q. Okay. Does this article contain what you
23 consider to be trade secrets of NXIVM using the
24 definition of trade secret that you previously gave
25 to me?

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1 A. Can I -- I need to say two things with
2 respect to the article.

3 The article is a reflection of someone who
4 claims to and says they read our trade secret
5 materials or at least some of them. Speaking from
6 that authority in my mind is something that in
7 violation of the confidentiality agreements violates
8 letting, if you will, secrets out of the bag. In
9 other words, if there's some trade secret that you
10 have and I go and just for the sake of argument I
11 get it inappropriately, and then I say, "I have this
12 trade secret I know. And, therefore, this is so,
13 this is so, this is so," they're benefitting from
14 the trade secret and are able to affect potentially
15 other people either knowing the trade secret or not
16 through what they say, so there are multi facets
17 here.

18 In the letter of what is said, there may be a
19 few things that -- certainly there are things here
20 that I think are important and secret. I think that
21 this is -- has a lot of factual problems and logical
22 problems.

23 Q. Okay. We'll take it in two steps. First,
24 can you tell me what is disclosed by this article
25 that is important and secret?

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1 A. There was a statement relating to anger and a
2 conflict of values.

3 Q. Actually, can you -- it might be helpful if
4 you circle this as well. I'll circle along with
5 you, but on the Exhibit you can mark it up what you
6 -- first of all --

7 A. I'm having trouble seeing it. I'm sorry.

8 Q. Oh, okay. I have the same problem, but if
9 you can circle what you think is important and
10 secret for NXIVM.

11 A. Okay, and I do have to say I can't say that
12 I will circle everything 'cause I'm not an expert;
13 and I also need to go through the logical truth and
14 fallacy in this article, and depending on what the
15 logical constructions are that makes a difference in
16 my mind as to what should be secret or not.

17 Q. Okay. Well, first I'd just like to have you
18 identify what you consider to be a trade secret
19 using your definition.

20 A. I'll scan through and find the anger
21 statement.

22 "All anger is created as a result of conflict
23 in values." That's the one statement that I --

24 Q. Where is that statement found?

25 A. Page 2, first paragraph under "Cult-Like

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1 Elements of the ESP Intensive," subparagraph
2 "Pretensions to Science."

3 Q. Yes.

4 A. It's an e.g. in parentheses.

5 Q. "All anger is created as a result of a
6 conflict in values"?

7 A. Uh-huh.

8 Q. What module is that contained in?

9 A. I suspect it's the Anger module, Anger
10 Sourcing.

11 Q. And is that a module that you developed the
12 concepts for?

13 A. Yes.

14 Q. And it's your understanding that the concept
15 expressed here is unique to NXIVM?

16 A. Yes --

17 Q. How does --

18 A. -- the concept as expressed here.

19 Q. How does this concept give NXIVM a
20 competitive advantage over competitors?

21 A. If we understand anger, we can help in
22 business certainly understand the way people act.
23 In personal relationships, it gives a greater degree
24 of compassion in understanding how people act; and
25 for people who want to explore within themselves,

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1 they can explore that.

2 Q. Is the information that's presented here
3 about anger in this parenthetical sufficient for
4 someone to replicate NXIVM's teachings about anger?

5 A. I believe that it may. I'm not sure.

6 Q. Are you aware of any competitors who've used
7 that information since the publication of this
8 article?

9 A. No. There have been people who I believe
10 have threatened to or said they would who are --
11 have never been in NXIVM, but I don't know off the
12 top of my head of any competitor that has.

13 Q. Who's threatened to use this information?

14 A. Oh, there's in public forums, in debates, in
15 e-mails. Sometimes I've had in the past threatening
16 e-mails people said such things.

17 Q. Have you saved any of these e-mails?

18 A. There might be a few. Some of the older
19 ones, no; some of the newer ones, I may have.

20 MR. KOFMAN: I'd like to mark this part
21 of the transcript and make a request for any
22 information or for any of these e-mails.

23 (Request.)

24 BY MR. KOFMAN:

25 Q. Mr. Raniere, the people who sent these

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1 e-mails, were they critics of the group or do you
2 know who they were?

3 A. No.

4 Q. Okay. What was the -- are there any other
5 trade secrets as you define the term that are
6 contained in this article?

7 A. Well, I had seen a few things; and it's not
8 just what is contained in the letter of the article.
9 It's contained in the implication of the article.

10 Q. Okay. What's contained in the implication of
11 the article that you consider -- first, is there
12 anything else in the letter of the article that you
13 see?

14 A. There was another thing relating to -- they
15 were primarily quotes that were taken. I would say
16 any of the quotes in here are suspect except, of
17 course, things like "thank" and "vanguard" and stuff
18 like that.

19 Q. Do you consider the 12 point Mission
20 Statement to contain trade secrets?

21 A. I consider it to contain secret things that
22 are very important to NXIVM, yes.

23 Q. Has the -- has NXIVM ever put the 12 point
24 Mission Statement or made it available on its
25 website?

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1 A. I don't know. That may have happened. There
2 were times when articles or things from modules were
3 almost in the very beginning put on the websites. I
4 don't know if it ever happened. I don't believe so.
5 One of concerns was the Mission Statement because
6 there were people who felt that it was a good
7 recruiting tool.

8 Q. So you're not certain, but it may have
9 appeared on the website at some point in time?

10 A. Uh-huh. If it appeared on the website, I
11 would acknowledge then it's not a trade secret in a
12 normal sense, but I don't know if it did.

13 MR. SYLVESTER: Can I hear that answer
14 back, please.

15 (The following was read back by the
16 reporter:

17 "Uh-huh. If it appeared on the website,
18 I would acknowledge then it's not a trade secret in
19 a normal sense, but I don't know if it did.")

20 MR. SYLVESTER: Thank you.

21 BY MR. KOFMAN:

22 Q. Are you aware that some modules were put on
23 the website?

24 A. No.

25 Q. Do you believe that any modules were put on

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1 the website?

2 A. No.

3 Q. What's your recollection or what's the basis
4 for your statement that they may have been put on
5 the website?

6 A. There were excerpts from the modules that I
7 thought may have been put on the website. Initially
8 each module and letter had an introduction; and
9 there at one point were some people that believed
10 those were good things, if you will, as selling
11 points so I don't believe any of those things went
12 on the website. Certainly no module, the questions
13 in its entirety was on the website.

14 Q. Do you remember the names of the people who
15 thought it was a good selling point to put some of
16 the mod -- parts of the modules on the website?

17 A. No, I don't.

18 Q. Are they still involved with NXIVM?

19 A. No.

20 Q. So as you sit here today, you don't remember
21 the names of any of these people?

22 A. There were a lot of people who were involved
23 in NXIVM in the very beginning who are no longer
24 involved.

25 Q. Does NXIVM have any records of what was put

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1 on its website?

2 A. I'm not sure.

3 Q. Who created NXIVM's website at the -- when
4 the organization was founded?

5 A. I don't know.

6 Q. Okay. Getting back to the article, I need
7 you to underline every other trade secret that you
8 feel is contained in the letter of the document.
9 You have identified the one concerning anger.

10 A. Uh-huh.

11 It's hard for me to delineate if someone
12 hears something if they can derive or if, for
13 example, in the future it would help them derive.
14 If I hear a trade secret or I hear -- I'm sorry --
15 if I hear part of a trade secret and then hear
16 additional information afterwards or additional
17 parts of the trade secret, I might get the trade
18 secret in parts. So, for example, when they say
19 "shifter strategies" in here, in itself that
20 represents something that is a deeper trade secret,
21 I believe.

22 The name to some degree is self-explanatory.
23 If in another article someone were to publish
24 something else that was not completely that trade
25 secret using both of the articles, I could possibly

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1 derive it.

2 So do you want what I see also as parts?

3 Q. Yes. I want either parts or whole, whatever
4 is in here.

5 A. Oh, okay.

6 THE VIDEOGRAPHER: Excuse me. We have
7 to change tapes.

8 MR. KOFMAN: Okay.

9 THE WITNESS: So you want me to stop
10 reading?

11 MR. SYLVESTER: You can continue.

12 MR. KOFMAN: Just don't speak until
13 he's --

14 THE WITNESS: Okay.

15 (A discussion was held off the record.)

16 THE VIDEOGRAPHER: We're back on the
17 record at 3:49.

18 THE WITNESS: Can I ask you for a
19 clarification?

20 MR. KOFMAN: When we get back on the
21 record. Actually, is it --

22 THE WITNESS: Are we on?

23 THE VIDEOGRAPHER: We're on.

24 THE WITNESS: We're on the record.

25

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1 BY MR. KOFMAN:

2 Q. Okay. Back on.

3 A. I'm underlining a number of things which, for
4 example, if I believe Concept A is trade secret, if
5 I tell you a little bit about Concept A here, even
6 true or false; a little bit about Concept A here; a
7 little bit about Concept A there, that helps you
8 derive Concept A. That helps tell you. I can
9 ultimately give you a full description of Concept A
10 if I write enough or write different essays or -- do
11 you understand? So -- and there's -- I think
12 there's even some things I'm missing that by logical
13 construction I can derive information about Concept
14 A.

15 Q. Okay, understood. Thanks. Thank you for the
16 clarification.

17 (A discussion was held off the record.)

18 (At this point, Richard A. Ulsamer
19 entered the deposition room; Mr. McGuire was
20 excused.)

21 Continuing...

22 A. In some of -- in some of these cases, I'm
23 looking at this in a theoretical way, for example,
24 if he says a false statement about something, it
25 tells you about that something; and even if we by

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1 necess -- either choose to say what the truth is,
2 then that starts to release a trade secret; and if
3 we don't say what the truth is, it damages us.

4 And as I'm going through this more and the
5 more I'm thinking of it, the more I'm outlining more
6 and more.

7 Is there some way we can summarize this or I
8 can do this for you?

9 Q. No. I'm looking -- my question I think was
10 pretty straightforward as to what trade secrets are
11 disclosed, and you've put in clarifications as to
12 how you under -- what you understand the disclosure
13 entails.

14 A. Uh-huh.

15 Q. So I think, you know, it's important for me
16 to get every trade secret that you consider
17 important to be disclosed.

18 A. Well, have you ever played 20 questions with
19 someone and they can disclose something without
20 saying directly what it is?

21 Q. And as we go -- as we follow up, you can
22 explain to me that that's what you're doing.

23 MR. CAMPION: Counsel, you're in control
24 of the deposition.

25 I do note that the witness appears to

<p style="text-align: right;">Page 121</p> <p>1 have finished underlining the section entitled "Mind 2 Control"; and if you wanted to start to do that part 3 first, that's certainly your option. Otherwise, 4 he'll finish doing the whole document. 5 MR. SYLVESTER: Why don't you have him 6 do the whole document. 7 MR. CAMPION: All right, fine. 8 MR. SYLVESTER: Why stop the pen. 9 MR. CAMPION: Okay. 10 Hal, is it okay if we take our last 11 break at 4:15? 12 MR. KOFMAN: Yes. 13 MR. CAMPION: Okay, fine. 14 THE WITNESS: Done. 15 BY MR. KOFMAN: 16 Q. Okay. Can I take a quick look, and then I'll 17 give it back to you, sir? 18 A. Yes. 19 MR. CAMPION: We'll have copies made at 20 the recess. 21 MR. KOFMAN: That sounds good. That's 22 good. 23 THE WITNESS: What time is it? 24 MR. CAMPION: Almost. 25</p>	<p style="text-align: right;">Page 123</p> <p>1 pieces, but also it puts us in a situation so I'm 2 not sure -- I don't know if I did the assignment 3 right. 4 Q. Well, let's -- okay. What are the trade 5 secrets that are disclosed, starting from the top? 6 A. I don't want to say what the trade secrets 7 are per se, but, for example -- 8 Q. No. Please identify each and every trade 9 secret. 10 THE WITNESS: Am I supposed to be able 11 to identify trade secrets, and it will be fine? 12 MR. CAMPION: Do the best you can. 13 Q. Using your definition. 14 A. Okay. It says, "I have reviewed a manual for 15 a 16 day," ten hour day (sic); "large group 16 awareness training called 'Executive Success 17 Programs,' which also calls itself 'ESP.'" 18 What's -- the large group awareness training 19 program is really a mischaracterization of something 20 that is taken as an individual. This takes the 21 Intensive and muddles it with ESP. So now what we 22 must begin to do is define what is an Intensive. 23 What is the curriculum like of ESP specifically. 24 What does it mean to have a module. How long are 25 those modules.</p>
<p style="text-align: right;">Page 122</p> <p>1 BY MR. KOFMAN: 2 Q. Mr. Raniere, can you identify for me each 3 trade secret that you've underlined and tell me why 4 it constitutes a trade secret? 5 A. I don't -- I'm not qualified to say what is 6 or not a trade secret, but what I started to 7 understand even more as I read the essay, by a 8 person having the trade secrets and having the 9 manual and then making comments, either true or 10 false, it puts us in a situation and NXIVM in a 11 situation where NXIVM either has to be damaged by 12 the release of their trade secrets or release it 13 themselves. 14 And, you know, there are in almost every 15 sentence there are parts of things that are trade 16 secrets or what I'm calling trade secrets. I should 17 say things that are secret and essential to ESP and 18 things that are not true that beg the question of 19 what is true and essential to ESP. 20 If this were written by a person that did not 21 have the manual, it would be a whole different 22 issue, so I can start to explain what each of these 23 things imply or don't imply; but anyone who reads 24 this article starts to not only get the pieces and 25 maybe a lot of the pieces, maybe enough of the</p>	<p style="text-align: right;">Page 124</p> <p>1 So some of the things, for example, the 2 actual structure of the modules, that they are 3 interchangeable, that they are like puzzle pieces, 4 that there is an overview order to them so that you 5 can create things like Intensives. You can create 6 -- any sort of thing is a trade secret. The nature 7 of that structure was in the curriculum or is, I 8 should say a secret. This starts to confuse the 9 issue in such a way that, one, it starts to cause 10 us to beg or begs an explanation; but, two, it 11 starts to say things about how the curriculum is 12 structured. 13 Q. What would your compet -- what in this 14 sentence is secret, the fact that it's 16 days? 15 A. It's not one single fact. I mean, what the 16 -- what he is saying in this sentence is that he's 17 reviewed a manual, okay, so he gives himself 18 authority of having these trade secrets. These 19 trade secrets are in the manual. He's reviewed it, 20 and 16 day ten hour a day, he is characterizing it 21 as a large group awareness training called Executive 22 Success Programs, which also calls itself ESP. 23 Executive Success Programs is not a large 24 group awareness training. You know, Executive 25 Success also has -- if you call the Intensive a</p>

<p style="text-align: right;">Page 125</p> <p>1 large group awareness training, it also has Origins, 2 it also has Ethos, it also has the Ethicist 3 training, it also has Parenting. It has many, many 4 different curricula and ways of dispensing them. 5 Q. What in this sentence is secret? 6 A. In itself, it's only part of a secret. The 7 sentence doesn't contain any secret. 8 Q. Okay. What's the next thing that you've 9 underlined? 10 MR. SYLVESTER: Wait. Let me hear that 11 last answer back. 12 MR. KOFMAN: Could you read that? 13 A. The sentence I don't think contains -- 14 MR. SYLVESTER: That's all right. If he 15 wants to restate it, that makes life easy. 16 Go ahead, sir. 17 Continuing... 18 A. I did not think the sentence contained a 19 secret. The sentence was part of a secret. 20 Q. Okay. What's the next thing you've 21 underlined? 22 MR. CAMPION: It's 20 of -- 20 after 4 23 now. Let's take a short break, okay. 24 MR. SYLVESTER: Mr. Campion, maybe if we 25 can have a copy of that made.</p>	<p style="text-align: right;">Page 127</p> <p>1 by those things. So what I underlined were the 2 things that I found that were indicating shadows, 3 if you will, of the trade secret; not necessarily 4 have called it a secret. It's a secret, not a trade 5 secret. I don't know what a trade secret is. 6 Q. Well, again, when I say "trade secret," I'm 7 using the definition you gave me. 8 A. Yeah, my definition. 9 Q. So you gave me either what is in itself a 10 trade secret or indicates a trade secret? 11 A. Uh-huh. Like, for example, the next thing I 12 underlined which is, "There is much in the content 13 and format of ESP" -- 14 Q. Yes. 15 THE WITNESS: Can I say things that I 16 feel are secret here? 17 MR. CAMPION: Covered by the 18 confidentiality arrangement. 19 THE WITNESS: Thank you. 20 BY MR. KOFMAN: 21 Q. You're looking at which paragraph now, sir? 22 A. It is under "Introduction." It's the last 23 paragraph. "There is much in the content and 24 format" -- 25 The trade secret nature of the curriculum</p>
<p style="text-align: right;">Page 126</p> <p>1 MR. KOFMAN: Are we off? 2 (At this point, there was a short 3 recess.) 4 THE VIDEOGRAPHER: We're back on the 5 record at 4:34. 6 BY MR. KOFMAN: 7 Q. Okay. Mr. Raniere, I want to show you and 8 mark a document Raniere-6. 9 (Robert Jay Lifton's eight criteria of 10 thought reform as applied to the Executive Success 11 Programs Bates stamped P000003648 through 3661 was 12 received and marked Defendant's Exhibit Raniere-6 13 for Identification.) 14 BY MR. KOFMAN: 15 Q. Okay. Mr. Raniere, just going back to 16 Raniere-5 for one moment, I just want to make clear 17 that I had instructed you to underline everything 18 that you considered to be a trade secret using your 19 definition; and that is what you've underlined, 20 correct? 21 A. No. If I have a trade secret -- and I was 22 thinking about this, how to describe it. If I have 23 a trade secret that's an elephant and I tell you, 24 well, it has a trunk, it has four legs, has a tail, 25 is big, is a mammal, the trade secrets are revealed</p>	<p style="text-align: right;">Page 128</p> <p>1 stems in part from the actual order of the 2 curriculum as on the gross level. It is like a 3 puzzle. Each piece is a two-hour module. Those 4 pieces can be interlocked in specific ways and only 5 specific ways. Within each two-hour module, there 6 are questions. Those questions can be interlocked 7 in only certain ways; likewise, even sometimes the 8 wordings within a question. One of the things that 9 makes us very unique is we can take those two-hour 10 modules and because we have a specific relationship 11 of all of them, how they interrelate with each other 12 philosophically, like a puzzle piece, you can put a 13 training together with great facility and with great 14 consistency. 15 The nature of that is secret and a 16 competitive advantage. And every time people start 17 to hint at, well, this came first, this came second 18 or this is what this question was, this is what that 19 question was, it chisels away even at that concept. 20 Q. Is there anything that's disclosed in this 21 sentence, "There is much in the content and format 22 of ESP that is not at all original, and is quite 23 similar to aspects of a number of cults and 24 cult-like organizations with which I am familiar" 25 that you consider to be a trade secret?</p>

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1 A. Included within the sentence?

2 Q. Yes --

3 A. No.

4 Q. -- anything in that sentence.

5 A. Included within the sentence, no, but I
6 believe that the inaccuracy of the sentence and the
7 fact that here is a person that has taken our trade
8 secret module and is commenting on it starts to say
9 it has a trunk, it doesn't have three legs, it has
10 four legs, so no. In answer to your question, no,
11 not contained within the sentence.

12 Q. Okay. You've underlined -- I think the next
13 thing -- you have a check mark next to "Long hours."

14 Was that indicating that that paragraph
15 contains trade secret?

16 A. Let me see.

17 I think I was questioning the sentence, "ESP
18 Intensive participants are signing up for sixteen
19 ten-hour days, which will either be experienced
20 successively, or in five-day segments. Although
21 three hours a day are allotted for lunch and dinner
22 breaks," as giving insight to the structure and the
23 way things are structured. So I didn't underline
24 it. Maybe I should have from that theory.

25 Q. Is it your understanding that a competitor

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1 Q. Does that disclose a trade secret?

2 A. Those things are again either statements that
3 are false that need to be proven false for us to be
4 viable or part of a trade secret; but, no, they do
5 not in themselves contain trade secrets.

6 Q. Is it your understanding that you would have
7 to reveal a trade secret to prove that statement
8 false?

9 A. I would have to reveal more of a trade
10 secret.

11 Q. I'd like to show you the document we've
12 marked as Raniere-6, which is entitled "Robert Jay
13 Lifton's eight criteria of thought reform as applied
14 to the Executive Success Programs" and --

15 A. Are we done with this document?

16 Q. For now, yeah.

17 First of all, have you seen this document
18 before?

19 A. Yes.

20 Q. Is this one of the documents that it was
21 posted on the Ross websites?

22 A. Yes.

23 Q. And have you ever reviewed this document to
24 determine whether it contains trade secrets as you
25 define the term?

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1 would be able to use the fact that you have 16-hour
2 days or that it can be done in 5-day segments with
3 3-hour breaks to their competitive advantage and
4 your disadvantage?

5 A. In isolation, no.

6 Q. Okay. You've underlined the sentence -- it's
7 on the next to last paragraph.

8 "Participants are told to promise not to tell
9 non-participants of what they learn in the
10 Intensive, as well as its methods."

11 A. Uh-huh.

12 Q. Does that contain a trade secret?

13 A. Within that, no.

14 Q. Why did you underline it?

15 A. Because, again, I believe it is beginning to
16 sculpt away at the elephants if the elephants are
17 trade secrets.

18 Q. And would the same go for the bottom of the
19 first page, the last paragraph you've underlined,
20 "Participants are told to promise not to share with
21 non-participants their recollection of content or
22 methods of the Intensive. Participants are mislead
23 (sic) into feeling guilty for being a 'promise
24 breaker.'"

25 A. Yes.

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1 A. I've looked at it generally for that. In
2 this particular case, this is more on point to
3 containing more direct trade secrets.

4 Q. Okay. When did you look at this to see if it
5 contains trade secrets?

6 A. Years ago.

7 Q. Okay. I'd like you to do the same exercise
8 and underline for me all of the trade secrets that
9 are disclosed in this article as you define the term
10 trade secret.

11 A. Does this include also the parts, as I did
12 with this one?

13 Q. Yes, whatever you feel is appropriate to
14 answer the question.

15 A. Maybe I don't understand the question. I
16 feel like I'm trying to give you an understanding
17 of my understanding of this. I will go through that
18 exercise, but everything that implies trade secrets
19 to me I will underline.

20 Q. Okay. I'd like you to underline for me
21 everything that is -- that you contend is unique to
22 NXIVM, that NXIVM keeps as a secret, and would be
23 disadvantageous to NXIVM to have disclosed.

24 A. Even if it's a partial fact?

25 Q. Correct.

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1 A. Partial, okay.
 2 Q. Thank you.
 3 THE VIDEOGRAPHER: Excuse me. I'm going
 4 to change tapes.
 5 THE WITNESS: You want me to stop?
 6 MR. KOFMAN: No, you can keep going.
 7 THE VIDEOGRAPHER: We're back on the
 8 record at 5:01.
 9 BY MR. KOFMAN:
 10 Q. Are you finished, Mr. Raniere?
 11 A. I'm just checking.
 12 Q. Okay.
 13 MR. KOFMAN: Tom, I'll ask for a copy of
 14 this before I leave.
 15 MR. CAMPION: Sure.
 16 Q. Mr. Raniere, I noticed on this article, the
 17 page that's Bates stamped P3659, about midway
 18 through, it said "Cult - this is a label that
 19 conveys no meaning but devalues the group. It is
 20 designed to keep people away from the group without
 21 saying what is wrong with it. Example: 'That's a
 22 cult.'"
 23 And I take it that's a quote from the module
 24 entitled Parasite/Producer III - Practice.
 25 A. Yes.

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1 Q. And that's a concept that you created?
 2 A. Yes.
 3 Q. Is it your contention there is -- there are
 4 no such things as cults?
 5 A. No.
 6 Q. What is -- how would you define a cult?
 7 A. I don't have a definition nor have I found a
 8 definition.
 9 Q. In broad strokes, what would you term to be a
 10 cult?
 11 A. I would like to answer this in two parts.
 12 Q. Sure.
 13 A. It's my belief that the common person, the
 14 person on the street who is -- has not gone and
 15 specifically looked at cults, investigate cults,
 16 believes that cult is a negative term.
 17 I believe that cult is some sort of a -- the
 18 second part of the question -- some sort of a
 19 description that is used in the hopes of classifying
 20 people as a group without being able to state often
 21 what the common element is. Sometimes in a
 22 historical sense that's useful because cults -- they
 23 say cults can become culture. They say, you know,
 24 most groups or communities could be considered a
 25 cult; and then it therefore develops.

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1 I believe sometimes terms, their technical
 2 meanings can influence people because, well, people
 3 don't know the technical meaning. They just know
 4 the more common meaning.
 5 Q. So is it your understanding that the term
 6 cult is neither a positive or pejorative?
 7 A. In a technical sense, because I've seen no
 8 definition of the term. The dictionary definition
 9 of the word is -- can be negative, can be positive;
 10 yeah.
 11 Q. For example, are you familiar with the
 12 Peoples Temple?
 13 A. No. I can imagine what it is but --
 14 Q. They were the group that committed mass
 15 suicide in Jonestown, Guyana, in the late '70s.
 16 A. Okay, yes.
 17 Q. Would you characterize them as a cult?
 18 A. I don't know. I would call them a
 19 destructive group.
 20 Q. Okay. Shifting gears just a little bit, do
 21 you recall that Forbes magazine published an article
 22 about you and NXIVM in --
 23 A. Yes.
 24 Q. -- 2003?
 25 A. Yes.

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1 Q. Did you meet with the reporter from Forbes
 2 magazine before the article was published?
 3 A. Yes.
 4 Q. On how many occasions?
 5 A. One.
 6 Q. Do you know what led Forbes to write an
 7 article about you and NXIVM?
 8 A. I'm not exactly sure. The reporter implied
 9 at first that it was Rick Ross, and then the
 10 reporter stuttered and stammered a bit and retracted
 11 that so I don't know.
 12 Q. What did he say that implied it was
 13 Rick Ross?
 14 A. When asked, "Why us?" He said, "Well, I had
 15 a meeting with Rick Ross and I decide -- well" --
 16 I'd say he sort of -- he started some sentence,
 17 implying seemingly that the article was instigated,
 18 or I shouldn't say instigated, that the seminal
 19 meeting for the article occurred with Rick Ross.
 20 Q. Had NXIVM filed the lawsuit before that,
 21 before you met with that reporter?
 22 A. I believe so.
 23 Q. Okay. Did you tape record or -- strike that.
 24 Was the meeting with the reporter tape
 25 recorded or videotaped?

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1 A. We had wanted to videotape it. The reporter
2 said he did not want it videotaped but that
3 audiotaping was okay. They tried to use the audio
4 on the video recorder, and I don't know if it
5 actually worked because from what I've understood,
6 the tape doesn't seem to exist.

7 Q. When you say "They tried to," who is "they"?

8 A. Nancy was there. Arlen Olsen was there. I
9 think there might have been one or two other people
10 there.

11 Q. Was Kristin Keeffe there?

12 A. You know, I don't know.

13 Q. Who was operating the tape machine?

14 A. You know, I -- it might have been set up
15 originally by someone like Arlen and then left
16 unattended because we were sitting.

17 Q. When did you discover that the -- strike
18 that.

19 Is it your understanding that nothing was
20 ever recorded?

21 A. I'm not sure. I discovered just recently
22 that there seemed not to be a recording of that.

23 Q. Okay. At the time, it was your understanding
24 that it was being recorded?

25 A. I thought it was.

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1 Q. Did you ever hear the tape?

2 A. No.

3 Q. Okay. Did -- did you or anyone at NXIVM give
4 the reporter any materials to look at?

5 A. I'm not sure. He was at least given a
6 confidentiality agreement.

7 Q. Okay. Do you know one way or the other as
8 you sit here whether he received any modules?

9 A. I don't believe so. I don't know.

10 Q. Was he allowed to observe anything at NXIVM?

11 A. Yes. He went to the NXIVM Center.

12 Q. What did he -- was he allowed to observe?

13 A. I don't know exactly. I was not there. I
14 know he spoke to several people.

15 Q. Okay. Did he -- do you know if he sat in on
16 a class?

17 A. I don't believe so. I believe he refused to
18 sign the confidentiality agreement, therefore would
19 not be allowed to sit in on a class.

20 Q. Do you know who accompanied him as he visited
21 the center?

22 A. No.

23 Q. Do you know who he spoke to from NXIVM?

24 A. I know of one person specifically.

25 Q. Who is that?

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1 A. Emiliano Salinas. I think at the end of the
2 Forbes article there is a quote from Sara Bronfman,
3 although I'm not sure. So if that be the case, then
4 he probably spoke to her there.

5 Q. Okay. Have you had any conversations with
6 him at any time after that ar -- after the art --
7 that one meeting prior to the article's publication?

8 A. No, I don't believe so.

9 Q. Did you have an opinion as to --

10 A. No. Hold on.

11 Q. Strike that.

12 A. They did a fact-checking type of phone call
13 so, yes, there was a conversation. It was a woman
14 that was doing it, though, not him.

15 Q. Do you remember her name?

16 A. No.

17 Q. And was this a call made to you?

18 A. Yes, I believe so.

19 Q. And do you remember what facts she wanted to
20 check?

21 A. No. It was a series of representations.

22 Some of them seemed accurate; some of them seemed
23 not accurate.

24 Q. Did you correct what you considered to be
25 inaccurate?

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1 A. To the best of my ability. There was an
2 additional communication. I ended up faxing I
3 think him answers to two questions which were he
4 wanted my response with something with respect to
5 Toni Natalie.

6 Q. And did you fax him information?

7 A. Just a simple response.

8 Q. Did you save a copy of the fax?

9 A. No.

10 Q. Where was it faxed from?

11 A. I think it was faxed from my residence.

12 Q. Did you put the fax into a file or the papers
13 that you faxed into a file someplace?

14 A. No.

15 Q. Did you discard them?

16 A. They were probably discarded.

17 MR. KOFMAN: I'll make a request for
18 anything that was faxed to Forbes.

19 (Request.)

20 Q. Have you ever spoken to reporters from the
21 Albany Times-Union?

22 A. Yes.

23 Q. On how many occasions?

24 A. May I clarify?

25 Q. Yes.

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1 A. Before NXIVM. After NXIVM, I don't believe I
2 have.

3 Q. Have you ever met with Dennis Yusko?

4 A. No.

5 Q. Okay. Did you consider the Forbes article
6 to be positive or negative towards NXIVM?

7 A. I considered the Forbes article to be
8 negative and untrue towards NXIVM.

9 MR. KOFMAN: I'd like to you mark this
10 as Raniere-7.

11 (Executive Success Programs, Inc.
12 Student Enrollment Application of Stephanie Franco
13 Bates stamped P000004105 was received and marked
14 Defendant's Exhibit Raniere-7 for Identification.)

15 MR. KOFMAN: For the record -- I'm sorry
16 -- Raniere-7 is a one-page document that was
17 produced to us in discovery. It's Bates stamped
18 P4105, and it purports to be Student Enrollment
19 Application of Stephanie Franco.

20 BY MR. KOFMAN:

21 Q. Mr. Raniere, have you ever seen this form of
22 document before?

23 A. Yes.

24 Q. Have you ever seen the Student Terms and
25 Conditions at the bottom?

1 and participate in the drafting?

2 A. No.

3 Q. What was your involvement in the drafting of
4 these terms and conditions?

5 A. Suggesting certain things. I think at one
6 point I read an initial draft and asked for
7 potential changes or what would happen if something
8 went one way or another.

9 Q. Did anybody else review the potential draft
10 besides you?

11 A. I don't know.

12 Q. Anyone else from NXIVM?

13 A. I don't know.

14 Q. Why were you the person from NXIVM who was
15 reviewing the Student Terms and Conditions?

16 A. Because I have some lay legal experience
17 because of some of the -- my lay legal experience of
18 the past.

19 Q. Does it say anywhere in these Student Terms
20 and Conditions that a person cannot take Executive
21 Success Programs if they've ever taken a course with
22 a competitor?

23 A. I don't know. I'd have to read this, and is
24 this the full -- is this a two-sided form or a
25 one-sided form?

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1 A. Oh, you mean the four points, the four --
2 ending with "Disclaimer"?

3 Q. Yes.

4 A. Yes.

5 Q. Did you draft those?

6 A. I -- I participated in drafting some of it, I
7 think, because some of it came from a past company
8 that I had. I believe the attorneys, whoever they
9 were at the time, drafted them.

10 Q. The attorneys from the past company drafted
11 them?

12 A. No, NXIVM. I -- it might have been Arlen
13 Olsen. I'm not sure.

14 Q. And when were these drafted?

15 A. I don't know. Does it have a revision date
16 on the bottom?

17 Q. It says "Copyright 2000."

18 A. I don't know which version or when these were
19 drafted but 2000 or before.

20 Q. What was the prior company that had similar
21 Student Terms and Conditions?

22 A. Well, there were similar -- there weren't
23 Student Terms and Conditions, but it was Consumers'
24 Buyline.

25 Q. Okay. Did you sit down with Arlen Olsen

1 Q. It's my understanding that this is the
2 complete document.

3 A. Okay. Do you want me to read it to see if it
4 says that?

5 Q. Yes.

6 A. Okay.

7 MR. CAMPION: Go ahead.

8 A. Do you mind if I use a set of binoculars?

9 MR. KOFMAN: What's that?

10 MR. CAMPION: I circled a word there.

11 THE WITNESS: Do you want me to
12 continue?

13 MR. KOFMAN: Yes, please do.

14 Oh, I see.

15 MR. CAMPION: Okay.

16 MR. KOFMAN: I'll bring something
17 tomorrow.

18 Continuing...

19 A. This refers to back of this application, by
20 the way.

21 It says, "See important cancellation notice
22 on the back of this application," so it appears
23 there might be writing.

24 Q. All right. I'll have to take a look.

25 If you can just look at the Student Terms and

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1 Conditions.

2 A. Can I read the top, also?

3 Q. Excuse me?

4 A. Can I read the top, also?

5 Q. Yes, of course.

6 A. I'm having trouble reading this. I'm so
7 sorry.

8 Q. Well, if you're having trouble reading it, I
9 can try and bring a clearer copy, you know, blow it
10 up a little tomorrow.

11 A. That would be helpful, although I did note on
12 the top where it says "I understand if I choose to
13 leave ESP, I must return all course related
14 materials and that making use of such materials
15 after leaving constitutes fraud."

16 That speaks to what you had asked but not as
17 -- it's not it directly.

18 Q. Does that speak to whether someone can come
19 to take NXIVM classes if they had taken a class with
20 a competitor before?

21 A. No.

22 Do you want me to continue this now, or would
23 you like to do that tomorrow?

24 Q. We can do that tomorrow if you're having
25 trouble -- difficulty reading it.

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1 A. Yes.

2 Q. And I'll bring back a clearer copy so that
3 we can -- 'cause I have a few questions about the
4 document.

5 A. Thank you.

6 MR. KOFMAN: Off the record.

7 (A discussion was held off the record.)

8 MR. KOFMAN: All right.

9 While I've got you, you've marked --

10 I'd like to have this marked as Raniere
11 -- Raniere-8.

12 THE WITNESS: Should I put this aside
13 for now?

14 MR. KOFMAN: Yes, please.

15 (A Critical Analysis of the Executive
16 Success Programs Inc., Bates stamped P000003674
17 through 3682 was received and marked Defendant's
18 Exhibit Raniere-8 for Identification.)

19 MR. KOFMAN: For the record, Raniere-8
20 is a document -- is an article or a document
21 entitled A Critical Analysis of the Executive
22 Success Programs Inc.

23 BY MR. KOFMAN:

24 Q. Do you recognize this document, sir?

25 A. Yes.

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1 Q. Is this one of the articles that was posted
2 on the Rick Ross websites?

3 A. I believe so.

4 Q. Okay. I'd like you, and I understand that we
5 may not get through it but -- strike that.

6 Did you read this at approximately the time
7 that it was posted?

8 A. Yes. I'm assuming this is the other
9 Paul Martin article, authored by him.

10 Q. Okay, and did you read it to determine
11 whether it revealed trade secrets?

12 A. I believe I did, although more that -- I want
13 to be sure I know which document this is.

14 Well, I believe so.

15 Q. I'd like you to undertake the same exercise
16 with respect to identifying the trade secrets that,
17 as you define the term, that are disclosed in this
18 article with the remaining time we have today; and
19 if you're not finished, we can pick it up tomorrow.

20 MR. CAMPION: Would it be of value if he
21 did it overnight? You can move into something else
22 now.

23 MR. KOFMAN: We can agree to do it
24 overnight, as long as a representation that he won't
25 consult with anyone since this is basically part of

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1 the testimony.

2 THE WITNESS: I won't.

3 MR. KOFMAN: Okay.

4 MR. CAMPION: So you'll mark it up and
5 bring it in tomorrow.

6 THE WITNESS: Yup. Am I allowed to take
7 something with this stamp on it out?

8 MR. KOFMAN: Yeah.

9 THE WITNESS: Okay.

10 MR. CAMPION: You can take it out.

11 We're going to Xerox it once it's marked up by you.

12 BY MR. KOFMAN:

13 Q. I'd like you to take a look at the document
14 we marked as Raniere-2, which is your August 18TH
15 Affidavit.

16 A. Raniere-2, yes.

17 Q. Paragraph 3 you discuss the -- something in
18 the John Hochman article concerning the need for
19 students to make daily brief phone calls to check in
20 with their coaches.

21 A. Uh-huh.

22 Q. To your knowledge, are there any courses at
23 NXIVM or any programs at NXIVM that would require a
24 student to make -- to check in daily with their
25 coach?

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1 A. No.
 2 Q. Okay. Is there --
 3 A. Can I be more specific?
 4 Q. Sure, if you need to to answer the question.
 5 A. Modules -- there is one module that suggests
 6 a daily practice and a check-in and it is not --
 7 there's no such thing, if you will, as a
 8 requirement.
 9 Q. Okay. What's the name of that module?
 10 A. Persistence.
 11 Q. Okay. What about --
 12 A. Motivated state, I believe, Persistency in
 13 motivated state.
 14 Q. What about for students who are taking
 15 advanced courses in NXIVM? Are they required to
 16 have daily check-ins?
 17 A. No.
 18 MR. KOFMAN: Mark this, please, as
 19 Ranieri-9. Is it 9?
 20 (Document headed Persistence Bates
 21 stamped SF00104 through 108 was received and marked
 22 Defendant's Exhibit Ranieri-9 for Identification.)
 23 BY MR. KOFMAN:
 24 Q. Mr. Ranieri, is the document we've marked as
 25 Ranieri-9 a copy of the module, the Persistence

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1 module to which you just referred?
 2 A. It appears to be that.
 3 Q. Okay. Looking under the word "Arranging for
 4 Coaching support" --
 5 A. Uh-huh.
 6 Q. This is about two-thirds of the way.
 7 MR. LANDY: I think you didn't pass it
 8 around.
 9 MR. KOFMAN: Oh, I'm sorry. I
 10 apologize, guys.
 11 BY MR. KOFMAN:
 12 Q. Do you see the sentence under "Arranging for
 13 Coaching support" where it says, "It is your
 14 responsibility to set a time with your coach on a
 15 daily basis for check-in"?
 16 A. Uh-huh.
 17 Q. Is there anything about that sentence that
 18 suggests that it's op -- that daily check-ins are
 19 optional?
 20 A. No.
 21 Q. Okay. Based on that, does that change your
 22 testimony that it's only optional for students to
 23 check in with coaches daily?
 24 A. No.
 25 Q. Do coaches or the person teaching it say,

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1 guys, where we say it's your responsibility to set a
 2 time, we really don't mean that?
 3 A. No.
 4 Q. How about where it says, "Students must speak
 5 to contact either by phone or in person daily"? Is
 6 that an optional -- does that say that it's
 7 optional?
 8 A. No.
 9 Q. Is that a mandatory requirement?
 10 A. No.
 11 Q. How would you characterize it where it says,
 12 "Students must speak to contact either by phone or
 13 in person daily"?
 14 A. If you choose to do this practice, then that
 15 is what you would do.
 16 Q. And what in the terms, "Students must speak
 17 to contact either by phone or in person daily"
 18 suggests that it's optional?
 19 A. In that, if you choose to do the practice,
 20 that isn't optional.
 21 Q. When you say, "If you choose to do the
 22 practice," which means if you choose to take the
 23 course?
 24 A. No.
 25 Q. If you choose to do the Persistence module?

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1 A. No. If you choose to do a Persistency. If
 2 you take the Persistency module, persistency is
 3 presented as a tool that can be used. If you choose
 4 to do Persistency, you do it and do a daily check-in
 5 as you do it.
 6 Q. Do all students who take the 16-day Intensive
 7 take the Persistency module?
 8 A. Yes, I believe.
 9 MR. KOFMAN: Okay. Please mark this as
 10 Ranieri-10.
 11 (Document headed Rules and Rituals
 12 Bates stamped SF00033 through 40 was received and
 13 marked Defendant's Exhibit Ranieri-10 for
 14 Identification.)
 15 BY MR. KOFMAN:
 16 Q. Is -- are you familiar with the document
 17 we've marked as Ranieri-10?
 18 A. I don't have it yet.
 19 Q. Oh, I'm sorry.
 20 Are you familiar with the document we've
 21 marked as Ranieri-10?
 22 A. Not directly, but I know such a document
 23 exists.
 24 Q. Did you create the concepts that are
 25 incorporated in the Rules and Rituals module?

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1 A. I believe most of them, if not all of them.
 2 Q. Okay, and is this one of the first modules
 3 that's taught in the school?
 4 A. In certain programs.
 5 Q. Which programs?
 6 A. Ethos and the Level 1 Intensive.
 7 Q. Okay. Turning your attention to Page 4 of
 8 this document, the paragraph numbered 9, "Phone
 9 tree."
 10 A. Uh-huh.
 11 Q. Can you read for me the last sentence of
 12 this?
 13 A. "Students involved in the more advanced
 14 aspects of ESP will speak to their Coaches at least
 15 once a day."
 16 Q. What are the more advanced aspects to which
 17 you refer?
 18 A. Higher ranks is I believe what was
 19 contemplated at the time.
 20 Q. High -- which ranks? From which ranks on
 21 up?
 22 A. I believe proctor and maybe coaches.
 23 Q. Looking at Page 3 of this document under the
 24 paragraph that -- the first paragraph that says
 25 "Stripes."

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1 A. Uh-huh.
 2 Q. The second sentence says, "Membership in
 3 ESP's buying coalition is signified by one diagonal
 4 stripe on the right side of the scarf."
 5 A. Yes.
 6 Q. What is "ESP's buying coalition"?
 7 A. It is no longer in existence; but it was an
 8 optional program where people could get food,
 9 vitamins, things like that. And it was a membership
 10 in a store.
 11 Q. When was -- at what periods in time was that
 12 buying coalition in existence?
 13 A. I think it ended 1999. It might be a little
 14 later but not much.
 15 Q. Okay --
 16 A. In fact, I'm pretty sure it was 1999.
 17 Q. This revision is dated 12/2000. Is it
 18 possible it was still in existence at that time?
 19 A. I don't think so. I think a lot of these
 20 materials were never updated.
 21 Q. Who made the decision to discontinue the
 22 buying coalition?
 23 A. The person who headed up the buying coalition
 24 severed the relationship with us so that there was
 25 no more buying coalition.

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1 Q. Who was that?
 2 A. Toni Natalie.
 3 Q. And did ESP receive a percentage of what
 4 students bought, of the money that was paid by
 5 students?
 6 A. No, I don't believe so.
 7 Q. Where was the store operated from?
 8 A. There was one in Clifton Park, and later on
 9 there was also one in Saratoga.
 10 Q. Were students encouraged to use the buying
 11 coalition?
 12 A. To some degree. If it -- if it suited them.
 13 Q. Did you encourage students to use the buying
 14 coalition?
 15 A. Um, if it suited them.
 16 Q. Okay.
 17 A. I was a believer in it.
 18 Q. Okay. I'd like you to look back -- going
 19 back to Ranieri-2, your Affidavit from August 18th,
 20 looking at Paragraph 4. You state that, "Promotion
 21 is based on a committee with the students input."
 22 Who is on the committee that decides on --
 23 strike that.
 24 In 2001-2002, who was on the committee that
 25 decided on promotion of students?

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1 A. I don't know.
 2 Q. Were you on that committee?
 3 A. No.
 4 Q. How did you know what the procedure was for
 5 promotion?
 6 A. Well, I created them initially. I don't know
 7 with specificity now what is the case, but it is
 8 important that it's more of a democratic process.
 9 Q. Okay. Have you ever been on a committee that
 10 decides on promotion?
 11 A. No.
 12 Q. Do you know if Nancy Salzman has?
 13 A. Nancy does decide ultimately certain high
 14 level promotions, but that is also decided by a
 15 committee that makes recommendations to her. I
 16 don't know if -- I don't think she's on the
 17 committee, per se.
 18 Q. And as you sit here today, do you know the
 19 names of anyone who has been on that committee at
 20 any point in time?
 21 A. I would think Barbara Jeske was, I would
 22 think Pam Cafritz was, Lauren Salzman probably.
 23 Q. Okay. Looking at the last section -- strike
 24 that.
 25 Do they make the decisions based on rules for

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1 promotion that you had originally drafted or
2 created?

3 A. No. I think the -- those were the initial
4 rules or guidelines. I think they've evolved, so
5 I don't know all the criteria they use.

6 Q. Okay. The last sentence of Paragraph 4 says,
7 "I am the highest rank in the structure and I have
8 been overridden numerous times and always can be."

9 When you say you're the highest rank in the
10 structure, what do you mean?

11 A. I wear a double white long sash. So with
12 respect to who has, if you will, the most knowledge
13 relating to the ESP philosophy and who has the
14 ultimate authority to explain that philosophy or
15 answer the questions, I am the highest rank.

16 Q. Okay. Can you give me examples of when
17 you've been overridden in decision-making at NXIVM?

18 A. I could probably give you a number of
19 examples.

20 Q. Okay.
21 THE WITNESS: What do I do if they
22 involve a legal case?

23 MR. CAMPION: If they involve a legal
24 case, you're not going to do it. You and I will
25 discuss it. I'll make a determination as to whether

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1 a privilege is involved, and then you can supplement
2 the answer tomorrow if I conclude that privilege is
3 not involved; but as to matters which do not relate
4 to the legal case, please answer.

5 THE WITNESS: Okay.
6 Continuing...

7 A. There have been in the past either people
8 that I thought were good for a promotion from what
9 I had seen and how they had spoken and things like
10 that or not, and there have been instances where
11 it's gone both ways. The way the NXIVM business is
12 run, the systems that I suggest often are either not
13 done or not executed.

14 Q. Are they rejected, or they're just not
15 implemented?

16 A. Both. They're rejected and sometimes not
17 implemented.

18 Q. Can you think of an example of a suggestion
19 you've made that's been rejected?

20 A. Yeah. I had thought that it would be good to
21 have a way of having the phone tree, using a system
22 of personal contacts where we have people calling
23 through the whole organization and then having a
24 series of feedback loops to know if the data had
25 gone through; and I think it turned out to be

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1 unfeasible. It's not done. There is a phone tree,
2 but they don't do it the way I had thought it would
3 be done.

4 Q. And was that because someone concluded it
5 could not be implemented?

6 A. I don't know exactly.

7 Q. Who was the person who told you it was
8 infeasible?

9 A. I think I was told by a number of people.

10 Q. Can you think of any other examples in
11 which your decisions have been rejected or your
12 suggestions have been rejected?

13 A. Yeah. There have been times where I
14 suggested that we might have either a certain type
15 of curriculum or an event at a certain time. For
16 example, I had thought it would be good to have a
17 winter festival this -- this year and really thought
18 that was important; but the people within NXIVM had
19 other priorities, and it was not done.

20 And at first, it was rejected, and then they
21 said, well, maybe we could try to do it later; and
22 then they decided it was unfeasible.

23 Q. Do they say how it was unfeasible?

24 A. They felt because of the Dalai Lama event --
25 we have the Dalai Lama coming and spending five days

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1 with us -- that the preparations that they need to
2 do, there have to be ethical boards put together
3 because there are a series of panels in different
4 areas that are doing public discussions. And also
5 because of some of the situations that are going on
6 in Mexico, I founded a peace movement in Mexico
7 because of the situation. And I have a number of
8 friends that have been adversely affected. People
9 are kidnapped. I have one friend who was kidnapped,
10 held at knifepoint, another friend who in the past
11 had both of their ears cut off and one of their
12 fingers. And this is somewhat of a common
13 occurrence in Mexico, and it's come to the point
14 where I think there's a lot of civil unrest. So the
15 people in Mexico cannot devote the time to doing
16 something like a winter fest when there's other
17 important things.

18 Q. The -- you indicated that the Dalai Lama was
19 going to be staying with NXIVM for five days?

20 A. No. He's doing an event with us.

21 Q. What kind -- where is the event being held?

22 A. We're not exactly sure. Part of it's being
23 held in an arena called The Times-Union Arena.

24 Q. Is that in Albany?

25 A. Yes. The rest is somewhere near Albany.

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1 We're not sure of the settings because we are having
2 a series of panels doing not only ethics discussions
3 but ethical plan implementations.

4 Q. Are you co -- are you sponsoring the event,
5 or what's the nature of your involvement and the
6 Dalai Lama's involvement?

7 A. I'm the ideological founder, and the Dalai
8 Lama sent a representative to examine us and go
9 through our curriculum; and what we offer on the
10 basis of ethics and things like that were something
11 that this representative felt was extremely
12 valuable.

13 Q. What was the name of the representative of
14 the Dalai Lama that came and --

15 A. We call him Lama Tenzin. He's the personal
16 peace emissary of the Dalai Lama.

17 Q. Did he sign a confidentiality agreement?

18 A. I believe so. I'm not positive.

19 Q. And when are these events taking place?

20 A. April 19th is the large public event. We
21 have trainings to train in the ethical tools before
22 that point. April 18th I believe is when the first
23 panel starts.

24 MR. KOFMAN: This might be a good time
25 to break.

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1 MR. CAMPION: Just about 6:00, anyway.

2 MR. KOFMAN: Yeah.

3 MR. CAMPION: Are you all agreeable to
4 starting at 9:30 tomorrow morning?

5 MR. KOFMAN: Happy to.

6 THE WITNESS: Fine with me. I have my
7 homework.

8 MR. KOFMAN: You'll take that?

9 THE WITNESS: I will.

10 MR. KOFMAN: Thank you.

11 Thank you very much.

12 THE VIDEOGRAPHER: Going off the record
13 at 5:56.

14 (Witness excused.)

15 (The deposition was adjourned for the
16 day at 5:56 p.m.)
17
18
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1 J U R A T

2 I, KEITH A. RANIERE, do hereby
3 certify that I have read the foregoing transcript of
4 my testimony taken on March 11, 2009, and have
5 signed it subject to the following changes:
6 PAGE LINE CORRECTION
7
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24
25

DATE: _____

Sworn and subscribed to before me on this _____ day
of _____

NOTARY PUBLIC
_____.

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1 C E R T I F I C A T E

2
3
4 I, CHERYL McGANN, a Certified Court
5 Reporter and Certified Realtime Reporter of the
6 State of New Jersey, authorized to administer
7 oaths pursuant to R.S.41:2-2, do hereby certify
8 that prior to the commencement of the examination,
9 the witness was sworn by me to testify to the truth,
10 the whole truth, and nothing but the truth.

11 I DO FURTHER CERTIFY that the foregoing
12 is a true and accurate transcript of the testimony
13 that was taken stenographically by and before me at
14 the time, place, and on the date hereinbefore set
15 forth.

16 I DO FURTHER CERTIFY that I am neither
17 a relative nor employee nor attorney nor counsel
18 of any the parties to this action and that I am
19 not interested in the action.
20
21
22

CHERYL McGANN

23 C.C.R. License No. XI000918
24

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